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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, January 8, 1981

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*        NEXT MEETING                *
*                                    *
* Date:  Thursday, January 22, 1981  *
* Time:  9:15 A.M.                   *
* Place: Commission Room  Third Floor *
*        Main Library     Civic Center *
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NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings

ROLL CALL

Commissioners

Present: John C. Morrissey (presiding), Sister Bernadette Giles, Robert D. Edwards, Phyllis Lyon, Caryl Mezey, Stephen Stratton, Brenda K. Wade.

Excused: Lia Belli, Samuel H. Chung, Antonio Grafilo, Joan Zamora Moulton, Clemente Obregón, Rabbi Martin S. Weiner, David K. Yamakawa Jr.

Staff

Present: Grant S. Mickins, Jack Casford, Joe Meza, Vicky Rathbone, Gail Roberts.

Pledge of Allegiance

Approval of Minutes of Meeting of December 11, 1980 postponed due to lack of a Quorum.

Chairperson Morrissey prefaced the meeting with a brief statement noting the untimely death of . Justice Wiley Manuel of the California Supreme Court on January 5, 1981, and stating that Justice Manuel had symbolized the progress made so far in the continuing work to eliminate racial discrimination by the HRC and other agencies of government.

COMMUNICATIONS

- From Ray Sullivan, Assistant Program Deputy, Office of the Mayor, a Memorandum announcing that the HRC is scheduled for a meeting February 5, 1981 with the Mayor to discuss issues which "will impact your department during fiscal 1981-82." This refers to budget planning for fiscal 1981-82.

- From Mayor Dianne Feinstein, a Memorandum of December 17, 1980 regarding schedules showing the amount of tax support the City can make available to City departments for 1981-82 operations.

- From Mayor Feinstein, a Memorandum of December 17, 1980 enclosing a 48-page Budget Instruction Manual with a 23-page Appendix in preparation for meetings January 7 and 8 (the latter for the HRC) with departmental budget staff.

- From Earl Raab, Director of the Jewish Community Relations Council, a copy of a memorandum sent December 17, 1980 to interested paries relative to a suggesed merger of the Council for Civic Unity and the Friends of the Human Rights Commission. The Friends of the HRC January 7 informally

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approved in principle to explore the merger. The CCU is scheduled to discuss the proposed merger at its board meeting January 13.

- From Brian Murrian, Manager, The Essex Hotel, responding to the HRC Fair Housing Program staff's discrimination audit of certain Tenderloin area residential hotels conducted during October, 1980, and reported to the HRC December 11, 1980. A copy of the audit with a cover letter reminding owner/managers of their obligations under law was sent to each hotel.

Mr. Murrian challenged the findings of the audit, which were that a majority of the hotels checked by both a Black and a White rental applicant discriminated against the Black. The Essex was among the hotels audited. Mr. Murrian stated that the policy of his hotel is very specifically not to practice discriminatory rental policies against any rental applicants because of race, religion, ancestry, national origin, sex, sexual preference, etc. He said the hotel rental policy is "based on character alone," and he emphasized his concern for the safety of his tenants, and that the Black Fair Housing Program checker's rejection at the Essex "was based on a mis-judgement by the clerk of your 'checker's' character--not his race."

- From Jacques Paul Kourkene II, Consulting Civil Engineer, Prestress Service International, informally appealing to the HRC regarding his complaint of discrimination against T.Y. Lin International and Bechtel Corporation.

- From Roger K. Sexton, Vice President, F.P. Lathrop Construction Company, protesting an amended complaint of noncompliance of December 5, 1980 filed by Tino Rosas through the HRC against F.P. Lathrop Construction Co.

- From Hadley R. Roff, Executive Deputy to the Mayor, a copy of a Memorandum to all department heads reminding that they are required to inform the Mayor in writing whenever they are out of town or on vacation, and to obtain her permission to leave town if significant matters affecting their departments are before the Board of Supervisors or other major governmental agencies.

- From Bill Hansen, San Francisco Newspaper Agency, stating its reasons for not complying with the HRC's contract compliance reporting request. This letter was read in full

- From Frank A. Quinn, District Director, Equal Employment Opportunity Commission, explaining the intent and coverage of sexual harassment policy, and recommending that the HRC so inform the Civil Service Commission to which it recently forwarded a recommended City Sexual Harassment policy.

DIRECTOR'S REPORT

- Budget Preparation for 1981-82 Fiscal Year.

Director Mickins was to attend the Mayor's budget discussion for department heads later on the day the HRC met (January 8). He has received notice of the initial recommended departmental funding levels for fiscal 1981-1982. For the HRC, which had a total 1981-1982 budget of $370,801, the high 1981-1982 budget level would be $337,429, and the low 1981-1982 level would be $296,640. The sharp decreases, he said, are largely a reflection of the reduced State government surplus, or "bailout" money to be available to local governments.

The HRC will have a February 5 interview with the Mayor personally to discuss its budget preparation and expectations.

- Intergroup Clearinghouse.

No formal meeting of the full Steering Committee was held during

the Christmas-New Year's holiday period. Its last meeting was December 3. The Clearinghouse submitted a Supplemental Appropriation emergency request to provide interim staffing and operational support to the Mayor December 17. The request cover letter was read in full.

The Clearinghouse work with Gay and Latino youth communities on the tensions of the past several weeks growing out of an incident of violence in Dolores Park continues. A meeting between spokespersons for the two groups was held in Director Mickins' office December 13. A subsequent meeting will be held Saturday, January 10, at Bethany Methodist Church Social Hall beginning at noon where representatives of the two groups will discuss suggestions for resolution of this crisis. Director Mickins and Ms. Jackie Winnow will attend, along with Dr. Zuretti Goosby, Chairperson of the Clearinghouse.

- Report of the Nominating Committee.

Commissioner Yamakawa, who chaired the Nominating Committee, which included Commissioners Giles and Mezey, wrote to the HRC reporting that the Committee had agreed unanimously to nominate for terms of one year the present occupants of the offices of Chairperson and Vice-Chairperson of the HRC, Commissioners John C. Morrissey and Phyllis Lyon, respectively.

It was

*** m/s/c that the Nominating Committee recommendation be adopted and Commissioners Morrissey and Lyon were re-elected unanimously.

STANDING COMMITTEES

YOUTH AND EDUCATION
Sister Bernadette Giles, Chairperson

- San Francisco Youth Needs Assessment- Ms. Libby Denebeim, recently-elected member of the Board of Education.

Commissioner Giles had reported on December 11 to the HRC that in her capacity as a member (on behalf of the HRC) of the Delinquency Prevention Commission's Coordination Council, she had participated in discussions of the Youth Needs Assessment report commissioned by the Council, which was financed (approximately $70,000) by the Junior League of San Francisco, and released in December, 1980.

The HRC's Youth and Education Committee, it also was reported, will be looking at those sections of the report that come within the special concerns of the HRC, such as findings on the subject of counseling services in public schools.

Ms. Denebeim, who was to be sworn into office later on this day, discussed the highlights of the Youth Needs Assessment report, copies of which are available at the Delinquency Prevention Commission. She earlier had given a more detailed account of the report to the Youth & Education Committee.

She said the report is based on the "assumption that San Francisco should have, and does not have, an adequate, comprehensive system of services for its children, youth, and families that meets the real, genuine needs...of the City both in terms of types of services and location of services that is cost-effective, has political and therefore financial support, that is planned, evaluated, and coordinated by people whose responsibility is fixed."

Youth are defined as those between 5 and 18 years of age. San Francisco, the report says, presently has a youth population of 90,000. Of these, 71% are Third World and 29% White. There is a growing number of children and youth whose first language is not English, who are handi-

capped, and who are poor. The City attracts more and more out-of-town, out-of-state runaways, most of whom become part of the so-called "street population". Of the 90,000 youth, 59,000 are in public schools, 28,000 in private or parochial schools, and 3,000 are on the streets. Of the 90,000 in the City, some 10% receive some form of public assistance. Families with several children may indeed be receiving services from several agencies and several caseworkers. In 1980 there were 6,500 reported cases of child abuse in the City.

Youth-serving programs in San Francisco, Ms. Denebeim said, represent an expenditure of $340 million year; $200 million of this figure is in the public school system and its programs.

The report, she said, describes the City's youth population and identifies the needs of them today. It defines and describes them in a way that is understandable to lay people. It identifies the full range of services available by type and location, and identifies as well gaps in these services by type and location.

It makes general recommendations about new services needed.

The report doe<u>s not</u>, she said, tell which services are cost-effective, or how effectiveness is evaluated; it does not tell which services are duplicative; it does not tell who should coordinate services or how.

The report contains a great deal of relevant data, she said. 1970 Census figures have been updated. It points out that services are not provided equally in all parts of the City. Its findings stem from interviews with five Supervisors, 44 private agenciew, 34 public agencies, and 338 high school students (with parental approval), 131 agency questionnaires, and 19 youth groups.

Ms. Denebeim noted that several contemporary factors have immediate bearing on the findings of the Youth Needs Assessment report. They include:

- anti-government sentiment throughout the country.

- changing City populations.

- declining funding levels, both private and public.

She referred to the Junior League-financed 1974 study called The Study of Youth Resources in San Francisco, and to the Delinquency Prevention Commission's Guide to Services for Children and Youth in San Francisco. The latter has some 800 listings.

The Fourth Annual Conference on the Network of Services to Families, Children, and Youth in San Francisco will be held Wednesday, January 14 at the Student Union, San Francisco State University, co-sponsored by the Delinquency Prevention Commission and others. Ms. Denebeim will be one of three coordinators. She distributed flyers giving the agenda of the day-long conference, with morning panels and afternoon workshops.

The Youth Needs Assessment report, according to Ms. Denebeim, sees a number of future trends:

- the increasing centralization of services.

- a cut in out-reach services.

- a cut in the amount of funding for preventive services.

- fewer volunteers for service agencies.

With the change in the dimension of problems of young people, Ms. Denebeim said, and the increased visibility of these problems, has come the current major problem: violence, and the increasing numbers of youth who commit violent attacks.

In 1970, Ms. Denebeim reported, the City had 116,000 children and youth. That year, 7,000 of them were referred to Juvenile Hall. In 1980, with a youth population of 90,000 (or 26,000 fewer) the same number, 7,000,were referred to Juvenile Hall.

Following Ms. Denebeim's formal presentation, there was an exchange of commentary with and questions from members of the HRC. The speaker emphasized her strong belief that establishment early in life of a child's self-image, self-esteem, and feeling of adequacy and "worth" is essential to his/her ability to cope with the larger world.

She had strong praise for the contributions of indirect-service agencies such as the HRC, with its public information and education programs, its advocacy work,its liaison with youth-serving public and private agencies, etc.

Commissioner Wade expressed her conviction that preventive services are vital to forestalling later problems, and her dismay that they reportedly are to be cut back.

Ms. Denebeim noted that in 1974's report on youth services, there was little or no mention of Gay youth, whereas the Youth Needs Assessment report has considerable coverage on this aspect of need. She noted that Gay youths encounter hostility and rejection from their peers, their teachers, and the community at large because of their sexual preferences or lifestyles.

The Delinquency Prevention Commission's Coordinating Council will be part of the implementation process of the Youth Needs Assessment report. It will address special sections of the report, using its linkage with service agencies, and work with the Education Task Force in seeking the means to meet the needs defined. Asked to identify one specific need, Ms. Denebeim said it would be for more emphasis on keeping families together in crisis situations, rather than placing children in foster homes or placing them in the Juvenile Authority.

Ms. Denebeim was congratulated on and thanked for her presentation on the Youth Needs Assessment report.

GAY ADVISORY
Phyllis Lyon, Chairperson

- Committee Report.

This report was postponed. Commissioner Lyon said the GAC is seeking to fill vacancies on the Committee. A letter of intent, resume, or any other material may be sent by February 20, 1981 to Jackie Winnow, Gay Community Liaison, at the HRC offices, 1095 Market, Suite 501, San Francisco 94103.

EMPLOYMENT
David K. Yamakawa Jr., Chairperson

- The Committee is working on a number of issues, and will be making presentations on them in the near future.

NO NEW MATTERS

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, January 22, 1981 at 9:15 A.M. in the Third Floor Commission Room of the Main Library in the Civic Center.

STANDING COMMITTEES

Employment	Thursday, January 15, 1981 9:30 A.M. 870 Market Room 920
Gay Advisory	Tuesday, February 3, 1981 Noon HRC Offices Room 509
Housing & Urban Development	Tuesday, January 13, 1981 2 P.M. HRC Offices Room 509
Police Liaison/ Social Issues	Tuesday, January 27, 1981 3 P.M. HRC Offices Room 509
Youth & Education	Monday, January 19, 1981 3:30 P.M. John Adams Community College Center 1860 Hayes Room 136

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins III
via Jack Casford

GSM:JC:sa
1/13/81

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, January 22, 1981

Commission Room, Main Library

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* NEXT MEETING *
* Date: Wednesday, February 11, 1981 *
* not Thursday, February 12 *
* Time: 9:15 A.M. *
* Place: Commission Room *
* Third Floor *
* Main Library, Civic Center *
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NOTE

See under Calendar Matters Section of these Minutes the schedule of the HRC's regular Standing Committee Meetings.

ROLL CALL

Commissioners

Present: John C. Morrissey (presiding), Samuel H. Chung, Sister Bernadette Giles, Antonio Grafilo, Robert D. Edwards, Phyllis Lyon, Caryl Mezey, Clemente Obregón, Stephen Stratton, Brenda Wade, Martin S. Weiner, David Yamakawa.

Excused: Joan Zamora Moulton.

Staff:

Present: Grant S. Mickins, Jack Casford, Don Hesse, Stanley Lim, Joe Meza, Vicky Rathbone, Gail Roberts, Essie Thomas. Susan Sher, a law student intern from Washington D.C. was introduced. She will be working with the HRC for approximately three months, doing legislative research.

Pledge of Allegiance

The Minutes of December 11, 1980, and January 8, 1981 were approved.

COMMUNICATIONS

- From Susan Davidson, President, California Association of Human Rights Organization (CAHRO), a form letter and Survey Questionnaire, and asking for information regarding local experience and investigative reports involving Ku Klux Klan activities. Director Mickins said he would be responding to this request.

- From Terri Simpson, Liaison to the HRC from the Office of the Mayor, announcing that the HRC budget hearing has been rescheduled from January 21 to 2 P.M., January 28 (Wednesday).

- From Supervisor Harry Britt, urging that a meeting be scheduled with Superintendent of Schools Robert Alioto, regardimg security for residents in the area of Dolores Park and Mission High School.

Director Mickins commented that he participated in a meeting in the summer of 1980 regarding concerns about street safety near Everett Middle School in the neighborhood of Dolores Park and Mission High School. He noted that Superintendent Alioto has named Barbara Cohen of his staff to the Intergroup Clearinghouse, and that Bill Maher, President of the Board of Education, is a member of the Intergroup Clearinghouse Steering Committee.

- W.F O'Keeffe, Sr., President, San Francisco Taxpayers Association, a copy of a letter to Dr. Herbert Sussman, Chancellor, San Francisco Community College District, regarding a dispute about a janitorial contract at the Fourth and Mission Streets campus. This letter was read in full.

DIRECTOR'S REPORT

- Intergroup Clearinghouse.

The Steering Committee's regular meeting was held January 21. This group and several of its constituent sub-groups have been concentrating in recent weeks on the tensions between largely Gay and Latino youth communities growing out of an incident of violence at Dolores Park in early November, 1980. Director Mickins said that a substantial degree of progress in working out these tensions has been made, particularly following a community meeting on January 10. Plans with specific recommendations towards addressing the points of conflict and disagreement and misunderstanding on all sides are still being formed.

The Steering Committee also agreed to accept the proposal of the Friends of the Human Rights Commission that for the limited-term period of at least one year the Intergroup Clearinghouse become a function of the Friends as a facilitating body, with the conditions that the I.C. participate jointly in the production of any newsletter and in hiring of support staff.

The HRC has submitted an interim budget request to the Office of the Mayor to provide for support staff for the Friends/I.C. through June 30, 1981.

STANDING COMMITTEES

EMPLOYMENT
David K. Yamakawa, Jr. Chairperson

- HRC Policy Prohibiting Sexual Harassment as an Act of Sex Discrimination Illegal Under Chapter 12B of the Administrative Code.

On December 11, 1980, the HRC adopted a recommended City Policy Prohibiting Sexual Harassment which it forwarded to the Civil Service Commission. Earlier, on January 10, 1980, the HRC had adopted a Position Paper on Sexual Harassment as an Employment Issue, based on research and input from members of the Employment Committee and interested persons from the community.

Commissioner Yamakawa noted that the Policy proposed for adoption on this date would bring under coverage all persons (contractors and leases and their employees) covered in Chapters 12B and 12C. The federal Equal Employment Opportunity Commission in 1980 amended its guidelines in Discrimination Proscribing the definitional term Sex to include Sexual Harassment as an unlawful employment practice in violation of Section 703 of Title VII of the 1964 Civil Rights Act. The federal Office of Personnel Management also in 1980 adopted a ban on sexual harassment policy applicable to all federal employees.

Commissioner Yamakawa said the federal guidelines were the model/basis for the HRC's recommended Policy.

Commissioners used the text of the full Policy for the following discussion and debate.

Chairperson Morrissey challenged the statements in the Policy that "Sexual harassment is prevalent in the workplace. It debilitates morale and interferes with the productivity of its victims and co-workers. All employees must be allowed to work in an environment free from sexual harassment, "on the grounds that he had not personally observed sexual harassment as being prevalent. He held that it was on the basis of sex discrimination that such a Policy should be considered for adoption.

Commissioner Lyon stated that there were numerous studies nationwide that have established that sexual harassment is experienced by a substantial majority of women in the workplace.

Commissioner Giles stated that she would wish to know that the HRC had copies of such studies and surveys with supporting statistics and

other data to back up its claims including such statements as "Sexual harassment in prevalent in the workplace."

Ms. Vicky Rathbone, HRC staff to the Employment Committee who has worked for many months with members of the Committee and others in drafting the Position Paper and the other recommended City Policy, as well as the document under discussion for adoption as HRC policy, affirmed Commissioner Lyon's statement, and said that there are a number of well-documented studies, both by the federal government and in such states as Maryland, and that the HRC research group did consult such information and does have it on file to substantiate the wording.

Commissioner Belli suggested, and it was
*****m/s/c that "men and women" be specifically referred to as being covered in the category of sexual harassment as a form of sex discrimination.

Asked by Commissioner Giles what steps the HRC would be taking to provide a public information program to all employers spelling out the sexual harassment laws and the HRC's enforcement responsibilities, Ms. Rathbone said she and her colleagues will:

- preview a film on the subject which they will seek to show a group of employers.

- arrange to distribute written copies of the Policy to all employers.

- set up a meeting to determine other means for such public education.

It was then,
*****m/s/c that the HRC adopt the Policy Prohibiting Sexual Harassment as an Act of Sex Discrimination Illegal Under Chapter 12B of the City Administrative Code. A full copy of the text of this Policy is attached to these Minutes.

- Office of Community Development Contracts, October 1, 1979 through September 30, 1980- Linell Harden, Affirmative Action Officer.

This presentation was postponed to a later HRC meeting.

- Affirmative Action Requirements-Architects, Engineers, Planners, and Environmental Scientists-Projects over $30,000(the revised Affirmative Action Program for Design Consultants)-Vicky Rathbone.

- In order to provide more time for a more thorough study by individuals Commissioners of the details so this document, it was agreed that Ms. Rathbone would discuss the revisions made in the former document, and that adoption of the revision would be on the agenda for the HRC's February 11 regular meeting.

Ms. Rathbone then went through the six-page document, which also has a seven-page Questionnaire with instructions which the HRC provides for all architects,engineers, planners, and environmental scientist (called, collectively, "design consultants), and a three-page Affidavit or Minority or Woman-Owned Business Enterprise Certification Form.

Ms. Rathbone's presentation covered changes in wording or percentages, and she gave the reasons these changes has been made after consultation with groups representing minority and woman professionals and the Employment Committee. She pointed out that the Questionnaire is sent to all prospective design consultants for contracts so they will be fully informed before they propose on a project of what requirements in terms of affirmative action they will be expected to meet.

ADMINISTRATIVE
Phyllis Lyon, Chairperson

- Proposed Amendment to Chapter 12 B.4. (c) (5) of the City Administrative Code regarding "Prevailing Wage", pursuant to a request by the City Purchaser-Commissioner Lyon.

Commissioner Lyon read in full the following official Committee report/summary:

a) Chapter 12B.4. (c) (5) reads in part as follows:

"Encouraging the use of contractors, subcontractors and suppliers of all ethnic groups, provide , however, that any contract subject to this ordinance shall require the contractor, subcontractor, or supplier to provide not less than the prevailing wage, working conditions, and practices generally observed in private industries in the City and County of San Francisco for such work; and....."

b) The foregoing provision became the subject of a lawsuit and a labor dispute against the Community-College District due to an award of a contract for janitorial services by the College district to a minority contractor who allegedly was not paying the prevailing wage. The lawsuit and job action was brought by Local 87 of the Building Maintenance Employees Union of the Service Employees International Union. In the course of the controversy, Deputy City Attorney Burk DeL Venthal issued an unpublished opinion that the "prevailing wage" provision of 12B.4. (c) (5) required the HRC to examine each bid by a City awarding agency to determine if the contractor was paying or agreed to pay prevailing wage.

c) The HRC position has been since the passage of 12B.4. that the prevailing wage provision was limited to discriminatory and disparate treatment of minority workers as opposed to nonminority workers. Notwithstanding, the City Purchaser, Joseph Gavin, in reliance on the City Attorney's opinion has stated that he intends to refer hundreds of purchaser orders and procurment contracts to the HRC for review and determination before any agreements are signed or future contracts awarded.

d) The Committee met January 19 with Deputy City Attorney Judith Boyajian and reviewed in depth a proposal to delete the "prevailing wage" provision from Chapter 12B.4. limiting is applicability to Public Works, Municipal Transport,and Homemaker Services contracts. These three categories are currently covered under the Administrative Code. After much discussion, the Committee decided to reject the proposed deletion as being both potentially harmful and subject to misinterpretation. The Committee recommended that at this time the matter be handled procedurally. In addition, it was recommended that this matter be reviewed by the HRC's Deputy City Attorney, Phyllis Walker, when she begins to re-draft amendments and revisions of Chapters 12A and 12B in the near future.

Director Mickins commented that the Committee had been unable to comply with the City Purchaser and City Attorney requests for removal of the "prevailing wage" provision without seeming to remove the kind of coverage that has been an essential part of Chapter 12B for more than 16 years.

- Budget Considerations for the HRC for 1981-82- Director Mickins. Commissioners were provided three documents the Human Rights Commission. Program Goals and Objectives for 1981-82; a (Working Draft) Analysis of Funding Issues: and a filled-out Mayor's Budget Discussion worksheet.

After some wording changes of a minor nature were suggested by

Commissioner Giles, it was

*****m/s/c to accept them as part of the adopted Program Goals and Objectives for 1981-82.

The Analysis of Funding Issues document gave the HRC's positions regarding the issues, alternatives and their effect under the two request levels the Mayor's Office has proposed for the 1981-82 budget (High Request, at 91% of the 1980-81 budget of $426,021, or $363,692, and Low Request, at 80% of the 1980-81 budget of $426,021, or $319,729).

Director Mickins went through this document point by point, noting the number of staff that would be lost under the two budget levels as presently proposed, and the mandated functions the HRC would be unable to carry out in each case.

He pointed out that five years ago, when he became the Director, there was a fulltime, City-funded staff of eight professional and six clerical staff. There are now seven professionals and four clerks. If it had not been that the HRC has been able to secure special funding from the Airport, from the Cleanwater project, from the Office of Revenue Sharing, and the Office for Community Development (funds with specific cutoff dates) it would have been unable to fully carry out its mandated affirmative action and contract compliance work under federal, State, and local regulations.

- Commissioner Weiner asked Director Mickins to provide each member of the HRC with a brief rundown on what functions are carried out by which staff.

Commissioner Chung requested a categorical breakdown of the budget components.

After further discussion on specific points contained particularly in the Analysis of Funding Issues, it was

*****m/s/c that the HRC accept the 1981-82 Budget Analysis and Discussion Issues as prepared by staff.

YOUTH AND EDUCATION
Sister Bernadette Giles, Chairperson

- Committee Report

Raymand Del Portillo, Director, Bilingual Department, San Francisco Unified School District, was a guest at the Committee meeting of January 19. for a discussion of the Bilingual Program and pertinent legislation.

Mr. Del Portillo noted that more than 2,000 pupils entered the Bilingual Program between June and November of 1980. On special assignment to the innovative San Francisco Newscomers Center school, Mr. Del Portillo said that the students there, coming from largely Chinese, Vietnamese, Spanish, and Tagalog-speaking backgrounds and countries, bring a variety of education backgrounds, ranging from highly-specialized and broad academic training to very basic or limited.

Mr. Del Portillo said that the SFUSD's Bilingual Program has now reached a high stage of sophistication at the elementary and middle school level, with teacher training, curriculum program development, etc.

There is more leeway now given under current State legislation to local school districts to interpret the mandated need for educating limited and nonEnglish-speaking children. The SFUSD will most likely stay for the immediate future with the Bilingual Program rather than the English-As-A-Second-Language method.

Commissioner Giles said that presently there is no evidence of pressure groups lobbying for or against the current Bilingual Program on the basis of feelings of not adequate participation or service.

NEW MATTERS

Chairperson Morrissey congratulated the thirteen HRC members present for the excellent attendance and urged that they continue this record throughout the next year.

CALENDAR MATTERS

The next regular meeting of the HRC will be Wednesday, February 11, 1981 at 9:15 A.M. in the Third Floor Commission Room of the Main Library. February 12, a Thursday, is Lincoln's Birthday and a City Holiday.

STANDING COMMITTEES

Employment	Thursday, February 5, 1981 9:30 A.M. 870 Market Room 920
Gay Advisory	Tuesday, February 3,1981 Noon HRC Offices Room 509
Housing & Urban Development	To be announced.
Police Liaison/ Social Issues	Tuesday, January 27,1981 3 P.M. HRC Offices Room 509
Youth & Education	Monday, February 9,1981 3:30 P.M. John Adams Community College Center 1860 Hayes Room 136

NO REMARKS FROM THE AUDIENCE

Adjournment

Respectfully submitted,

Grant S. Mickins III
via Jack Casford

GSM;JC:bclp
1/30/81

Attachment #1

HUMAN RIGHTS COMMISSION
POLICY PROHIBITING SEXUAL HARASSMENT
AS AN ACT OF SEX DISCRIMINATION
ILLEGAL UNDER CHAPTER 12B OF THE
ADMINISTRATIVE CODE

Sexual harassment is prohibited by both State and Federal law. The federal Equal Employment Opportunity Commission amended its guidelines in 1980 on Discrimination Because of Sex to include sexual harassment as an unlawful employment practice in violation of Section 703 of Title VII of the 1964 Civil Rights Act. The California Fair Employment and Housing Commission determined that sexual harassment constitutes sex discrimination and is therefore prohibited by the Fair Employment and Housing Act. (Government Code Section 12960 et sec.)

Sexual harassment is prevalent in the workplace. It debilitates morale and interferes with the productivity of its victims and co-workers. All men and women employees must be allowed to work in an environment free from sexual harassment. It shall be the policy of the HRC to prohibit sexual harassment as an act of sex discrimination, illegal under Chapter 12B of the Administrative Code, which covers all City contracts, subcontracts, leases, franchise , and concessions.

Sexual harassment as defined by this policy includes but is not limited to:

- Verbal harassment, e.g., epithets, derogatory comments, or slurs;

- Physical harassment, e.g. assault, impeding or blocking movement, gestures, or any physical interference with normal work or movement;

- Visual forms of harassment, e.g., derogatory posters, cartoons, or drawings;

- Requests for sexual favors, e.g., unwanted sexual advances;

which (1) interfere in work performance or (2) create an intimidating, hostile or offensive working environment or (3) influence or affect the career, salary, conditions, job, or other aspects of career develop- of an employee or prospective employee or (4) are an explicit or implicit term or condition of an individual's employment.

Complaints of sexual harassment will be investigated as sex discrimination complaints according to HRC Rules of Procedure. If the complaint is upheld, this will be considered a violation of the non-discrimination requirements of Chapter 12B.

An employer whose employees are sexually harassed in the workplace by non-employees may be held responsible if the employer knew or should have known.. of the conduct and failed to take immediate and appropriate action.

Prevention is the best tool for the elmination of sexual harassment. The HRC will undertake a public information program to all employers contracting with the City aimed at spelling out the current state of the law on sexual harassment and the HRC's enforcement responsibilities.

This policy shall be construed in a manner consistent with the rights of free speech, association and privacy.

##########

Adopted by the HRC 1/22/81

JC:bclp

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Wednesday, February 11, 1981

Commission Room, Main Library

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* NEXT MEETING *
* *
* Date: Thursday, February 26, 1981 *
* Time: 9:15 A.M. *
* Place: Commission Room Third Floor *
* Main Library Civic Center *
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NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings

ROLL CALL

Commissioners

Present: Phyllis Lyon (Presiding), Lia Belli, Samuel H. Chung, Sister Bernadette Giles, Robert D. Edwards, Caryl Mezey, Stephen Stratton, Brenda Wade, Martin S. Weiner, David Yamakawa.

Excused: Antonio Grafilo, Pius Lee, John C. Morrissey, Joan Moulton, Clemente Obregón.

Staff:

Present: Grant S. Mickins, Jack Casford, Stanley Lim, Joe Meza, Vicky Rathbone, Gail Roberts, Lydia San Filippo, Essie Thomas, Jackie Winnow.

Pledge of Allegiance

Minutes of January 22, 1981 approved,with one correction: that Commissioner Belli was present at that meeting.

COMMUNICATIONS

- From Friends of the Bayview Opera House, a copy of a letter sent to all major media in San Francisco, requesting law enforcement and police protection increases in the area of Third and Newcomb Streets, particularly as regards the "youth drug business" in that area.

- From Supervisor Harry Britt, a copy of a letter to the San Francisco Newspaper Agency, regarding a report of verbal harassment of two men by an employee of a newspaper van on Castro Street. Director Mickins said the HRC does not consider a carbon copy of a complaint letter as a formal request that it become immediately involved in resolution efforts, but he will contact Supervisor Britt's office on the matter further.

- From James W. Holmes, a member of the law firm of Evans, Farber & Swor, representing P.J. Patel, proprietor of the Edgeworth Hotel at 770 O'Farrell, responding to Matthew Cohen, of the HRC Housing staff, regarding the HRC's housing discrimination survey conducted in October of 1980 which found instances of racial discrimination at the Edgeworth Hotel.

Director Mickins read this letter in full. Mr. Holems stated that his client "categorically denies any discriminatory practices; that the hotel has a multiracial guest list including several long-term black tenants and several long-term Asian guests; that the data obtained by the HRC survey is not sufficient to support a conclusion of discriminatory rental policies", etc.

Mr. Mickins said the HRC responded to Mr. Holmes/Patel February 5, 1981, detailing the criteria used by the survey, that the HRC is not the enforcing agency for rental antidiscrimination laws, and that its survey and its written notices were intended in part to alert landlords and the community to the continuing problem of racial and ethnic discrimination.

- From Assemblyman Art Agnos, a formal request that the HRC hold a hearing to investigate the issue of the widely-publicized suspension of a black woman reporter (because of her "cornrow" hairstyle) by the management of KGO-TV. Copies of the attached letter of protest to Jim Osborn, Vice President and General Manager of the television station, were sent to the State Senate President pro Tempore, the American Broadcasting Companies, Inc., the Federal Communications Commission, etc.

Director Mickins had prepared a letter to Mr. Osborn and KGO-TV offering the HRC's services as mediator of this issue, which attracted a great deal of public attention from the suspended reporter's professional union, Black civil rights organizations, legislators, and others, but on February 7, approximately one week after the suspension, it was announced that the reporter, Dorothy Reed, would be reinstated.

Director Mickins said he will be in contact with Assemblyman Agnos to see if it is felt that the issue has been satisfactorily resolved.

- From Marvin Johnson, President, Editor and Publisher, San Francisco Progress, a copy of a letter to all the public officials and KGO executives to whom Assemblyman Agnos had addressed his letter on February 2, 1981. Mr. Johnson stated in part, that, "I've never seen a more ridiculous opinion on your part...", and demanded that Mr. Agnos issue an apology to Mr. Osborn and KGO-TV "for your outrageous, biased remarks made publicly without the due consideration of the San Francisco business community."
Director Mickins read this letter in full.

- From Stanley M. Smith, Sec.-Treas. and Business Representative, San Francisco Building and Construction Trades Council, suggesting that "...Hotels (who) discriminated in the Human Rights Commission's survey (of Tenderloin hotels, October, 1980) are not funded..." with monies from the Ramada and Hilton hotels specified as the result of recent negotiations to upgrade Tenderloin area buildings housing low-income people as part of the City's issuing building permits to hotel developers.

- From Vince Courtney, Executive Secretary, Civil Service Association, Local 400, urging that the HRC not support efforts to change the City Administrative Code ordinances which require that City work not be contracted out at less that the "prevailing wage." This letter was read in full. The HRC already has rejected, at the Administrative Committee level, a suggested City Attorney amendment to remove the "prevailing wage" condition language.

- From Rodger Dillon, Secretary-Treasurer, and Robert C. Parr, President, Local 87, Service Employees International Union, AFL-CIO, asking that the union be advised of any changes in the City Administrative Code regarding the "prevailing wage" provisions. This letter was read in full.

DIRECTOR'S REPORT

- HRC Staff Organizational Chart.

The Director provided documents which had been requested January 27 at the HRC meeting by Commissioner Chung. It outlined staff titles, Civil Service classifications, and those who are working under special work-ordered (non Ad Valorem tax-supported) funding, such as from the Airports Commission, the Clean Water Project, the Comprehensive Employment Training Act, the Moscone Convention Center, and the Office of Community Development. It shows that the HRC 1980-81 operating budget was $399,000 ad-Valorem and $264,000 Inter-departmental work ordered funds.

- HRC Budget Meeting with Mayor.

Director Mickins, and Commissioners Lyon and Morrissey met January 28 with Mayor Feinstein to discuss the HRC's budget request and needs for the coming fiscal year. The HRC stated, as requested, the issues that would be its obligation to deal with in the near future. These issues, or programs goals, had been adopted by the HRC at its January 27 meeting. In view of the Mayor's Office requests that the HRC absorb a maintenance funding cut of between 9 and 18% for fiscal 1981-1982, the HRC delegation to the Mayor noted that it had in the past year been asked to assume responsibility for providing housing and administrative assistance the Commission on the Status of Women, thereby saving the City a substantial sum of support money.

The Mayor has told the HRC that the City's financial picture is disaffected by three main facts: State "bailout" funds of $140 million in fiscal 1980-81 from the State surplus will probably be cut 30 to 40%; the Reagan Administration can be expected to reduce entitlement funds to cities substantially; and the City will have a "shortfall" of some $78 million in its expenditures because of inflation, cost-of-living salary adjustments, etc.

The Mayor has asked the HRC to pursue with the City Attorney the setting of a schedule of fees to be imposed on contractors for the affirmative action/ contract compliance services provided by the HRC. And the HRC also will pursue a service fee to be imposed on other City departments and commissions, particularly revenue-producing ones, for mandated EEO requirements.

STANDING COMMITTEES
EMPLOYMENT
David K. Yamakawa Jr., Chairperson

- Revised Affirmative Action Requirements for Architects, Engineers, Planners, and Environmental Scientists (sometimes called, collectively, Design Consultants) for Projects over $30,000.

The details of this document were given by Vicky Rathbone of the HRC staff at the HRC meeting of January 22. At that time, with some minor wording changes agreed to, it was decided to postpone to this meeting formal adoption of it.

Chairperson Morrissey, who was not present at this meeting, had asked Director Mickins to express his concern that the inference from the Compliance section of the Requirements not be that it was mandatory, but cooperative in nature.

*** It was agreed that HRC staff would, as it has planned to do, confer with City Deputy Attorney Phyllis Walker regarding the language of the Compliance section before it would implement it.

Mr. Gordon Chong, President of Asian-American Architects and Engineers, expressed the wish of his organization that the HRC consider writing and implementing an Affirmative Action Requirements document for projects under $30,000, and to ask that HRC staff monitor the number of project contracts under $30,000 (which now are not covered) to determine if, in a year's time, their number has substantially increased.

- Commissioner Yamakawa announced that the Employment Committee presently is considering the under-$30,000 category of projects for affirmative action monitoring.

It was then

**** m/s/c to adopt the HRC Affirmative Action Requirements for Architects, Engineers, Planners, and Environmental Scientists, Projects over $30,000.

- Pier 39 Affirmative Action Agreement of June, 1980, and Its Implementation- Ed Vurek, HRC Employment Representative.

Mr. Vurek gave the highlights of an extensive, chronological, written report of the HRC's involvement with the Pier 39 tourist complex development of Warren Simmons dating back to 1977, when a lease was granted by the Port Commission for sixty years to Pier 39, Inc., for the construction, on publically-owned waterfront land, of shop, restaurants, amusement areas, and a boat marina.

The HRC began its contact work on implementing affirmative action requirements for City leaseholders with Pier 39, Inc., prior to the start of construction. The Simmons group's law firm, in Mr. Vurek's words, "successfully thwarted" the HRC attempts to obtain basic employment information for some alleging violation of Chapter 12B by Pier 39, Inc., (as it was first called in a series of name-changes that would follow) and the construction firm. Pier 39, Inc., appealed the Director's Finding, but delays again put off a hearing until August of 1979. A second hearing had to be scheduled because, as Mr. Vurek reported, "...counsel for Pier 39, did not appear to be adequately prepared to deal with the issues.." and indeed counsel said that Pier 39, Inc., no longer had anything to do with the complex project, giving another name, North Point Pier, Inc., then North Point Center, Inc., which, the HRC learned, had the same officers and directors.

The HRC then entered into a series of settlement meetings with Pier 39 attorneys, to discuss basic areas, including: overall minority employment, employment of minorities and women at the supervisory level, use of community referral services, substantial awards to minority contractors in any future construction, goals for minority business and woman business enterprises as suppliers, monitoring of sublessees, a designated amount to be used in furthering the objectives of affirmative action, and reporting requirements. Pier 39 attorneys were involved in reported court dates on other legal matters and this delayed the settlement for months, until June, 1980, when an affirmative action agreement was signed, to run for three years (July 1, 1980 to June 30, 1983).

Key points of this agreement included:

1. A hiring policy goal of an overall average 50% minority workforce in all operations. On June 15, 1980, North Point (Pier39) had an overall minority work force of approximately 45%.

2. An overall minority work force in supervisorial and managerial levels of 33% by June 30, 1981.

3. Use of community-based minority employment referral services (list provided by the HRC)

4. Good-faith efforts to award 50% of the subcontracts to minority business enterprises in any future construction projects.

5. Assignment of an affirmative action officer by the developers.

6. Good-faith efforts to implement a minority and women business enterprise program for vendors and suppliers.

7. Reports every four months on the developer's own employment activities.

An employment reporting system was agreed on as part of the implementation of the formal affirmative action agreement, calling for reports every four months, with each unit reporting separately both current workforce and hires. Subsequent to evaluation of the first two reports, the HRC staff will determine if a modified or expanded system by be necessary.

North Point Center, Inc., has only one construction project scheduled-that of a park but because of financial difficulties, its own landscaping crew will be doing most of the construction, though Asian, Inc., was able to refer a minority electrial contractor.

An officer of the corporation has been assigned as affirmative action officer. North Point will supply the HRC with a current list of suppliers to determine current-level business participation by minorities and women. It further has agreed to commit $10,000 to further the objectives of affirmative action, probably in the form of a training program.

The first employment report, Mr. Vurek said, has shown an overall increase in minority employment at Pier 39, up from 45% in June of 1980, when the agreement was signed, to 51.2% as of October 30, 1980. Summer and Fall are the heaviest tourist business months, when employment is the highest.

Minorities are fairly well-represented, Mr. Vurek said, in all areas except Executive and Accounting (7.7%) and Marketing (0%) of the ten main divisions of operation (Landscaping, Security, Construction, etc.),

The current (as of October, 1980) workforce reported was 325 persons, with 168, or 51.2% minority. The hired July through October were 147, with 96 minority, or 65.3%. The racial breakdown:

Black 45 (13.8%)--This was the greatest increase, Mr. Vurek said.
Hispanic 72 (22.1%)
Asian 21 (6.5%)
Filipino 15 (4.6%)
Other Non White 14 (4.3%)
Native American Indian 1 (0.3%)

In the next report period through March of 1981, Mr. Vurek said, the HRC will be looking at the progress in reaching the 33% goal for minorities in the managerial and supervisorial-level jobs.

Mr. Vurek also said that the report forms have been designed by the HRC to be modified, changed, or added to, if future evaluations of performance show the need, particularly if goals are not being reached.

- It has been reported that North Point Center, Inc.,/Warren Simmons may be negotiating sale of the Pier 39 complex, and a Texas-based group has been mentioned in the press. A point was made at this meeting by a number of Commissioners that the Agreement of June, 1980, includes the stipulation that it applies to all successors or assigns of the lease-holder developers, so that all future purchasers would be bound by it as to its affirmative action obligations and mandates. Commissioner Yamakawa said that the County of San Francisco has to approve any changes in leases and would therefore have approval over this one if it were assumed by another party.

It was then

*** m/s/c to accept the Pier 39 Affirmative Action Agreement of June, 1980, and Its Implementation report by Ed Vurek.

- Commissioner Yamakawa announced that the Employment Committee will soon be considering the report on implementation of City departmental affirmative action employment plans under the federal Office of Community Development agreement entered into by the HRC in 1979.

- The Committee also will be reviewing contract compliance goals and specific areas of concentration.

GAY ADVISORY
Phyllis Lyon, Chairperson

- Proposed Letter supporting Department of Public Health's Proposal to provide Special Waivers for Training Gay-Sensitive Specialists in Community Mental Health Service.

Commissioner Lyon introduced Ms. Pat Norman, Coordinator. Ms. Norman introduced her colleague, Mr. Herb Clayton, Personnel Officer for Community Mental Health Services. She said that the Gay Mental Health Task Force, formed by Community Mental Health Services in 1977, has determined from many sources, including the Gay-Lesbian community and mental health providers, that there is widespread lack of knowledge of the Gay and Lesbian lifestyle by health professionals. For this reason, in order to be able to counsel "Gay-identified" clients, a proposal is being submitted to the Civil Service Commission to establish criteria for a Gay Specialist position. The term Gay Specialist, the proposal states, "has been used frequently to characterize a staff member who would be considered appropriate to provide services to gay-identified clients."

Ms. Norman said some 400 persons currently are being trained as mental health workers, and that the Department is seeking some 25 to 30 Gay Specialist positions.

It was

*** m/s/c that the HRC authorize the sending of a letter by Chairperson Morrissey to the Civil Service Commission to support the Department of Public Health proposal to provide special waivers for trained Gay Specialists in Community Mental Health Services.

YOUTH AND EDUCATION
Sister Bernadette Giles, Chairperson

- Committee Report.

The February 9 meeting of the Committee heard a discussion of Deinstitutionalization (or Removing Youth Offenders from Detention by the Courts) by Margaret Brodkin, Director, Youth Advocacy Project of Coleman Children and Youth Services agency, John Neto, Project Community Education Specialist, and Sue Kaplan, Project staff through the Sexual Minority Youth Service Coalition. The Coleman agency is working under a grant from the Office of Juvenile Justice and Delinquency Prevention to develop the Youth Advocacy Project, which is being co-sponsored by the Delinquency Prevention Commission. The Project seeks to "improve the ability of the social services and junvenile justice systems to seek nonpunitive alternatives for high risk youth."

The Youth Advocacy Project is studying legislation on the state and local level as part of its concerns that youthful offenders who now are often sent to institutions for various infractions should in many instances be kept in the home or family environment. The Committee heard how the former (now disbanded) Juvenile Bureau of the San Francisco Police Department gave officers authority to make decisions about whether a given youth might or might not be kept in custody by authorites. The Youth Advocacy Project feels that too many youths are sent to the Juvenile Court, and not enough kept in home environments where many of their conflicts with parents and guardians could be worked out, under professional guidance, with the family. Shelter care and protective services are part of the current trend away from institutionalization, with rehabilitative services recommended for both parents and children interacting with each other.

Commissioner Giles announced that members of the Committee will attend a February 24 meeting to be held in the Lurie Room of the Main Library at 4:30 P.M. by the Youth Advocacy Project where Bay Area counties will share their experience with finding alternatives to institutionalization of youths.

NO NEW MATTERS
CALENDAR MATTERS

CALENDAR MATTERS

The next regular meeting of the Human Rights Commission will be Thursday, February 26, 1981 at 9:15 A.M. in the Third Floor Commission Room of the Main Library in the Civic Center.

STANDING COMMITTEES

Employment	Thursday, March 5, 1981 9:30 A.M. 870 Market Street Room 920
Gay Advisory	Tuesday, March 3, 1981 Noon HRC Offices Room 509
Housing & Urban Development	To be announced.
Police Liaison/ Social Issues	To be announced.
Youth & Education	Monday, February 23, 1981 3:30 P.M. John Adams Community College Center 1860 Hayes Street Room 136

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins III
via Jack Casford

GSM:JC:sa
2/20/81

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, February 26, 1981
Commission Room Main Library

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* NEXT MEETING *
* *
*Date: Thursday, March 12, 1981 *
*Time: 9:15 A.M. *
*Place: Third Floor Commission Room *
* Main Library Civic Center *
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NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings

ROLL CALL

Commissioners

Present: John C. Morrissey (presiding), Samuel Chung, Sister Bernadette Giles, Pius Lee, Phyllis Lyon, Joan Moulton, Clemente Obregón, Stephen Stratton, Rabbi Martin S. Weiner.

Excused: Lia Belli, Antonio Grafilo, Robert D. Edwards, Caryl Mezey, Brenda K. Wade, David K. Yamakawa Jr.

Staff

Present: Grant S. Mickins, Jack Casford, Linell Harden, Stanley Lim, Joe Meza, Dick Norton, Gail Roberts, Lydia San Filippo, Essie Thomas, Julie Yim.

- Chairperson Morrissey led the members of the HRC, staff, and the audience in rising to stand in respect to the memory of Supervisor Ella Hill Hutch, who died February 25, 1981.

Pledge of Allegiance

Minutes of February 11, 1981 approved.

COMMUNICATIONS

- From John F. Crowley, Secretary, San Francisco Labor Council, a copy of a letter to the Editor of the San Francisco Chronicle, objecting to an editorial, "Sloppy Work at City", published February2, 1981, regarding the issue of prevailing-wage requirements.

- To Richard R. Heath, Director of Airports, Notice of Determination of qualified bidders for Airport Contract #996R, naming Rosendin Electric, Inc. and Abbett Electric as not meeting Minority Business Enterprise requirements. See Special Order section of these Minutes.

- From Julian D. Minoz, Principal, Group 4/Architecture Research and Planning, Inc., commending the HRC for its efforts in revising and adopting the Revised Affirmative Action Program for Design Consultants.

- From Gilbert H. Boreman, Clerk of Board of Supervisors, writing at the request of Supervisor Doris M. Ward, requesting that the Federal Communications Commission and the HRC review and investigate the policies of San Francisco station KGO-TV "relative to hiring, promotion and personnel policies, to determine whether those policies are in conformity with the various relevant laws and regulations governing same, with particular reference to affirmative action requirements."

Director Mickins noted that the HRC had prepared a letter to KGO-TV in early February offering to help mediate a dispute that become a community issue over the station's suspending a Black woman reporter because of her "cornrow" hairstyle. The employee was reinstated, however, and the HRC had no further contact with the issue. Mr. Mickins said that the HRC's jurisdiction presently would be limited to its authority under Chapter 12A, since KGO-TV is not a City contractor, but that if the station were willing to initiate an affirmative action program voluntarily, that could be dealt with. Commissioner Lyon noted that a tangent issue was the allegation of sexual slurs made verbally against Supervisor Harry Britt by an employee of the station. Mr. Mickins said that there could be an HRC role regarding the City's Article 33, prohibiting sexual orientation discrimination under the Police Code.

*** Followup on this latter aspect of Mr. Boreman's letter referred to the HRC Gay-Liaison Worker.

- From Richard R. Heath, Director of Airports, advising that $18,270 of budget expenses provided to the HRC by the Airport will be deducted citing a City Memorandum of Understanding with the airlines "which precludes our paying any indirect or overhead expenses." This letter was read in full. Mr. Mickins commented that there was a challenge by Airport tenants, primarily the airlines, to the high level of reimbursements for services to other City departments. He said he has not yet had an opportunity to respond to Mr. Heath and the cited budget deductions.

- From Assemblyman Art Agnos, a copy of a form letter sent in his function as Democratic Caucus Secretary, requesting support for AB 350, which he has introduced, that would establish a permanent absentee ballot program for person 65 years of age and older and for persons with mobility and transportation disabilities.

- From Manuel Garcia, Executive Director, Human Rights Commission of Sacramento, providing a copy of AB 256, a bill to prohibit discrimination against families with children.

- From Ray Taliaferro, President, Art Commission, announcing a City public workshop March 7 from 10AM to 4:30 PM in the Green Room of the Veterans' Building in planning for arts programming and grants allocations.

- From Fred R. Green Jr., Project Manager, Rosendin Electric, Inc., formally protesting the HRC's February 5, 1981 Notice of Determination letter to the Director of Airports (see above), and saying the HRC action in recommending another electrical contractor is "in violation of the bid process and without authority or due process." See Special Order section of these Minutes.

- To Mr. Green, of Rosendin Electric, Inc., a February 23, 1981 HRC letter that the firm may articulate its bid protest at the HRC meeting of February 26, but that it would not be a formal appeal of a final Determination of the HRC Director. See Special Order.

- From Maurice James, Executive Director, Morrisania West, Inc., Postal Street Academy, seeking HRC endorsement of its Secondary Resources Recycling Plant project for youth. This letter was read in full.

*** It was referred to the Police Liaison/Social Issues Committee. Commissioner Weiner suggested that the Committee determine if paper recycling is a feasible project given the present low rates for papter reclamation.

- From B.W. Bennett, Vice President, Huber, Hunt & Nichols, Inc., General Building Contractors, a copy of a letter to the Airports Commission protesting the consideration of award of a Central Terminal Modernization contract to another firm.

- From William I. Anderson, of the law firm of Toothman, Anderson, Sprinkles & Maser, a Memorandum on behalf of Huber, Hunt & Nichols, Inc, setting forth in detail the basis of the bid protest.

Mr. Mickins said this Memorandum was being evaluated as part of the consideration of the protest of Huber, Hunt & Nichols, Inc.

DIRECTOR'S REPORT

- Intergroup Clearinghouse Funding.

Mr. Mickins has been advised that the Mayor has approved a $19,000 supplemental budget request submitted in December by the HRC for staffing/ support services for the Clearinghouse. This would provide one fulltime staff person and clerical assistant through June 30, 1981. The Mayor's action next goes to the Board of Supervisors for action.

SPECIAL ORDER

Letter of Protest (February 20, 1981) by Rosendin Electric, Inc. Regarding HRC Notice of Determination (February 5, 1981), Airport Contract 996R, Extension of Power & Telephone Services, San-Francisco International Airport.

Speakers on behalf of Rosendin Electric, Inc.:

Mr. Fred R. Green, Jr., Project Manager
Mr. Leroy Filice, Vice President of Finance and Equal Employment Opportunity Officer

See Communications section of these Minutes for reference to the communications pertinent to this protest. Three letters (the HRC's February 5, 1981 Notice of Determination, which cited Rosendin Electric Inc. as not being in compliance with the Minority Business Enterprise (MBE) requirement in its bid; Mr. Green's February 20, 1981 letter demanding an HRC hearing; and Mr. Mickins February 23, 1981 letter informing that a protest--not a formal hearing--would be granted at the HRC's February 26 meeting) were provided in advance of this meeting for all Commissioners, as well as an HRC staff analysis of the four company bids on Airport Contract 996R.

- Chairperson Morrissey ruled that the following presentation was a right of protest granted at their request to the representatives of Rosendin Electric, Inc. and not a formal HRC hearing.

Speaker for the Airports Commission:
Mr. Donald J. Jacobberger, Airport Project Engineer

Speakers for the HRC: Grant S. Mickins, Director
Stanley Lim, Contract Compliance Coordinator

Mr. Green read from Chapter 12B of the City Administrative Code regarding the definition of a contractor and the right of appeal.

He stated, "First of all, we will admit that we are not a small business firm. However, there is no small business requirement under this contract. We bid the job in good faith, with our bond."

He stated, "We admit that in our bid submittal we did fail to indicate MBE goals. We admit that it's missing." This omission, as Mr. Green numerous times referred to it, was termed by him a "technical" and "inadvertent" one. He held that Rosendin would have been bound by the MBE conditions of the contract regardless of whether it had or had not submitted this commitment in its bid form.

Chairperson Morrissey asked Mr. Green why, if the MBE percentile commitment figure is a part of Attachment I to the HRC's Affirmative Action Program Part III (Establishing Goals for Equal Opportunity in Entrepreneurship), it had not been submitted. Mr. Green responded, "Well, it should have been filled out, we agree to that, it was a technical omission. It was an inadvertent omission at the time of the bid." But he reiterated that all conditions of the final contract are applicable, even if such a technical omission is made by the bidder.

Chairperson Morrissey then commented, "It sounds significant to me, because it indicates the degree of effort you are willing to make."

Mr. Green held that there is no requirement under the HRC plan to submit a list of MBE suppliers prior to the award of a contract. He said the firm "intended to use" suppliers to meet the (MBE) program. However, the firm intended also to use its own workforce to do what he called "incidental" work to the main work of furnishing manholes, installing ducts, pulling wires, and digging trenches.

Mr. Green summarized his presentation by formally requesting that the HRC's Notice of Determination be rescinded and that the contract be awarded to Rosendin Electric, Inc.

Mr. Mickins noted that had there been an MBE listing of any kind on the submission form from Rosedin Electric, the HRC position would have been considerably changed, especially since a prime contract was under review in the bidding process.

Mr. Don Jacobberger, Airport Project Engineer, urged that the HRC recommend that Rosendin be granted this contract on the grounds that further delay would escalate the cost to the City of carrying out the project in question. The analysis of Airport Contract 996R made by Stanley K. Lim of the HRC showed that there is a disparity of $24,1555 between the low bid of $320,332 of Rosendin, and the next qualified bid of $344,487 of Delta Star Electric. Bids were submitted on three alternate versions of the same contract.

It was stated by the HRC that all four firms that bid on Airport Contract 996R have good or equal "track records" in their performance of past and current contract projects.

Grant Mickins, HRC Director, responded to Mr. Green's presentation. He challenged Mr. Green's interpretation of Chapter 12B as far as the definitions of a contractor, saying that the text was to be read in a conjunctive rather than disjunctive sense, an interpretation consistently upheld by the City Attorney.

He termed Rosendin's use of the terms "technical, inadvertent omission" for its failure to state its MBE commitment on the Attachment 1 form was a "blatant defiance" of the total process as spelled out in HRC rules and regulations. He noted that Rosendin Electric is long-experienced in bidding and working on City contracts, holding some eight or nine such jobs at the present. He said this protest should never have been brought to the HRC and asked, rhetorically, if affirmative action could be carried out if a policy of permitting contractors to decide what they consider substantive or unnecessary parts of a bid were to be followed.

Stanley Lim stated that if Rosendin Electric, contention is accepted, it will destroy the affirmative action program of the City of San Francisco by this process." He noted that the HRC consistently tries to affirm the bids of low-bidders where they are willing to fully comply with requirements, but that it feels it cannot allow a contractor to choose or not choose to comply fully with standard requirements.

He noted also that Rosendin Electric three years ago was listed as the 16th electrical contractor in the nation, that it may be larger now, and that it had average gross receipts of $68 million for the last three years.

He stated that Rosendin's omission was, rather than "technical and inadvertent", actually "material and substantive."

He said that there was no possiblity that the Rosendin staff could have misunderstood its obligations as stated in the HRC forms, that they are well-experienced in making these kinds of bids.

Mr. Lim noted that the HRC assesses contract bids from the standpoint of the "good-faith effort" made by the bidders to comply with MBE and other requirements, and that it is not inflexible on percentage goals is if such good-faith effort is manifested. He said in his opinion Rosendin had not made a good-faith effort.

He said it is not the obligation of the HRC to contact a bidder to notify him/her of submission deadlines or details, since these are clearly spelled out in the forms attached to bid proposal.

Mr. Lim said that Rosendin Electric has a record of resisting compliance on other contracts, including the construction project for the Davies Symphony Hall formerly the Performing Arts Center, where it was, he said, in noncompliance for more than six months. And, he said, the HRC has a standing complaint against the firm regarding the residency requirement at the Cleanwater Program's Southeast Treatment Plant Contract "P" in the Hunters Point area.

Mr. Leroy Filice, Rosendin Vice President of Finance, in rebuttal, said that the company admits it "does have problems" because it is so big, but that it is working on them. He said he personally reviewed the disputed Airport Contract 996R bid and that "the percentage was supposed to be in there." He said the company has worked out its problems at the Davies Center for the Performing Arts) project. He urged that the HRC keep in closer touch with his office regarding any such problems, and claimed that Mr. Lim had never called him (Mr. Filice is the Equal Employment Opportunity Officer for Rosendin) regarding such matters.

Note: Mr. Lim has, for several years, been in touch with three members of the Rosendin staff identified as Affirmative Action Officers:
Mr. Bill Earl, Mr. Mark Filice, Ms. Clara Martinez, and, Pately,
Mr. Willie Smith.

After further discussion, and with questions being posed by Commissioners Giles, Moulton, Chung, Lee, Weiner, Lyon, and Obregon, it was

**** m/s/c that the HRC re-affirm its Notice of Determination of February 5, 1981 as made by Director Mickins, disqualifying Rosendin Electric, Inc. from Airport Contract Bid 996R.

Chairman Morrissey thanked Messers Green and Filice for their presentations.

STANDING COMMITTEES
EMPLOYMENT
David K. Yamakawa Jr., Chairperson

- Report on Employment in City-Funded Construction Contracts for the Quarter 7/1/80-----9/30/80-Stanley K. Lim.

Mr. Lim had distributed by mail before this meeting copies of his 25-page narrative and statistical report. This report for the first time is based on 3-month cumulative data instead of just one "representative" month, and, further, its tables are from computer printouts from the City's data processing unit. All awarding departments also received copies of this report.

The purpose of the report is generally to analyze and compare the overall work force characteristics by City construction contractors by ethnicity, sex, and craft. The statistics are based on monthly reports submitted by 31 prime contractors and more than 140 subcontractors. They represent a total of 34 contracts awarded by the Clean Water Program, Department of Public Works, Airports Commission, and the Office of Community Development. These contracts totaled more than $270 million. Two projects were not included in this report: the Clean Water Southeast Plant Contract "P" and the Moscone Convention Center, because their different reporting systems cannot be adapted to the regular computerized to format.

Mr. Lim referred during his verbal discussion frequently to the statistical tables, which brought out these facts:

- 2,465 workers covered in the report were male; 58 female.
- the ethnic breakdown was :White, 52.5%; Hispanic, 23.2%; Black, 18.2%; American Indian or Alaskan Native, 2.8%; Asian or Pacific Islander, 3.2%; and Filipinos,0.3%. Most minority groups reported some gains, except Blacks and Filipinos and Mr. Lim said excluding the statistics of the Southeast Treatment Plant Contract "P" was a major factor in the latter group.

- minority and female employment showed a combined total of 50.3%, considerably higher than any previous years.

- female participation was the best ever reported-- with women comprising 3.1% of the total work force, three times the rate of 1979.

- minority apprentice participation declined 7% (4% from 56%) from 1979. Minority women were 40% of the apprenticeship hours.

- thirteen crafts showed they met or exceeded employment goals;
- four (glazier, hod carrier-tending plasterer, sprinkler fitter, and sheet metal worker,) showed below-goal minority participation.

Mr. Lim said that for both minorities and women, the employment pattern in the trades has changed very little in recent years, and that it is still easier for them to enter so-called "open" trades, but more difficult with the "closed"--or "mechanical"---trades.

The report included analysis and highlights of the contracts of major awarding departments, and Mr. Lim reviewed these in some detail, referring to the statistical tables. These departments were the Clean Water Program, with 706 employees in contracts totaling more than $115 million; Department of Public Works, where "interior building" trades are concentrated, and where there was only 40% overall minority utilization, against an average of 47% for all contracts; and the Airports Commission, with six on-going projects worth more than $80 million, with higher total work hours and a wide range of trades and a slightly better minority utilization. Due to additional funding , the HRC will expand the monitoring of smaller Airport contracts during 1981, with emphasis placed on contracts in the amount of $50,000 to $250,000.

According to Mr. Lim's report, one persistent problem that almost defies solution has been the practice of some specialty contractors limiting their work crew to fewer than five person, and staffing them with "key personnel"---usually White males--thus blocking out any possible entry of minorities and women as apprentices, since five is the cutoff for eligibility for apprenticeship standards.

Directly from Mr. Lim's conclusion to his report·

" The summary statistics revealed some very positive results as well as some disappointments. It is clear that while the HRC employment goals may not be met by contractors at all times due to extraneous circumstances,

but a number of trades with higher minority participation reached the expected level. The relatively high number of female workers employed for the quarter was a surprise. At the same time, we are alarmed by the continued decline in the ratio of minority apprentices, the second in the last two years. Whether there's a correlation between the increase in female apprentices and the decrease in minority apprentices remains to be further scrutinized. One factor is certain--as provided by individual department statistics--there's a definite relationship between the size of a project and the job opportunity it offers to minorities and women. The larger and more sustained the project, a greater share of the jobs will go to minorities and women.

"On the other hand, we have expanded the monitoring of smaller contracts awarded by OCD and the Airports Commission in the hope that they will provide more opportunities in both entrepreneurship and employment for minorities and women. It's another goal that our compliance staff must meet."

Director Mickins singled out Ms. Ritchey Gore, of Women in Apprenticeship, in the audience, as deserving of special praise for the effective work she and her office are doing in helping get women placed in apprenticeship positions;

- Minority Participation in Office of Community Development Contracts Monitored by the HRC October 1,1979 through September 30, 1980- Linell Harden, HRC Affirmative Action Officer.

In 1979, the HRC was funded by the federal Office of Community Development Development to monitor is construction contracts.

During the period October 1, 1979 through September 30, 1980, the HRC monitored 18 OCD-funded contracts. These contracts totaled $4,689,184. Of this amount, $1,211,466 or 26%,went to minority business enterprises; local contractors and suppliers received $2,090,511, or 45%; and $590,280, or 13%, went to local MBEs.

The employee participation on these projects was 26,584 hours. Minority workers accounted for 14,581 hours or 55% and 12,051 hours or 45% went to local residents.

The dollar amounts of these contracts were $10,000 or above and fall into two categories:

1. $10,000 - $49,000
2. $50,000.00 Up

As for the affirmative action requirements the former range (1) is under the Department of Labor-Office of Federal Contract Compliance Affirmative Action Program, and the latter (2.) is the Human Rights Commission-Affirmative Action Program.

The average size of these contracts was $260,000, with an average duration of 4 months. Due to dollar amount and duration of these contracts, the greatest opportunities are afforded to MBEs.

The primary reason for the lack of MBE participation in some of the contracts was getting the program coordinated with the specifications writers of the Bureau of Architecture and Engineers of the Department of Public Works. The HRC does not anticipate any further problems in this regard, now that the program has been implemented.

Mr. Harden's report included statistical tables showing the minority-owned business enterprises with their ethnic-ownership designations, locations, contract amounts, and percentage of the total for specific construction projects. Also shown were employee participation by crafts.

Mr. Mickins noted that Mr. Harden's expertise and stewardship of the OCD monitoring mandate under the HRC funding has been praised very highly by the Office of Community Development Staff and Housing and Urban Development auditors.

NEW MATTERS

- Mission Community Street Patrol Project.

Commissioner Moulton stated that members of the Latino community who have drawn up this project are desirous that the HRC consider it for endorsement. This project was described in detail by William Paul at a meeting January 21 of the Steering Committee of the Intergroup Clearinghouse. Mr. Paul also discussed the plan in January with the HRC's Gay Advisory Committee.

**** Consideration of the Mission Community Street Patrol project (also called Community Assistance Teams, or C.A.T.) was referred to the Police Liaison/Social Issues Committee.

REMARKS FROM THE AUDIENCE

- Mr. Harold Brooks, representing the Bayview-Hunters Point Economic Development Committee, made a formal statement of commendation to the HRC for its effective and continuing work in the area of minority business and employment participation in City contracts. He noted that there appeared to be a concerted effort by some majority sources to limit or even reduce minority participation. Mr. Brooks cited the valuable contributions of the HRC in the past in times of severe community tensions as a mediator between Arab Merchants and Community Groups in 1978, and he said there remains great support for its work in the City neighborhoods.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, March 12, 1981 at 9:15 AM in the Third Floor Commission Room of the Main Library.

STANDING COMMITTEES

-	Employment	Thursday, March 5, 1981 9:30 AM 870 Market Room 920
	Gay Advisory	Tuesday, March 3, 1981 Noon HRC Offices Room 509
	Housing & Urban Development	Tuesday, March 17, 1981 2 PM HRC Offices Room 509
	Police Liaison/ Social Issues	Wednesday, March 4, 1981 3 PM HRC Offices Room 509
	Youth & Education	Monday, March 2, 1981 3:30 PM John Adams Community College Center 1860 Hayes Street Room 136

Adjournment

GSM:JC:sa
3/6/81

Respectfully submitted,

Grant S. Mickins III
via Jack Casford

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OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, March 12,1981
Main Library Commission Room

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* NEXT MEETING *
* *
*Date: Thursday, March 26,1981 *
*Time: 9:15 A.M. *
Place: Third Floor Commission Room
* Main Library Civic Center *
****

NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings

ROLL CALL

Commissioners

Present: John C. Morrissey (presiding), Samuel H. Chung, Sister Bernadette Giles, Robert D. Edwards, Phyllis Lyon, Caryl Mezey, Joan Zamora Moulton, Stephen Stratton, Brenda K. Wade, Rabbi Martin S. Weiner, David K. Yamakawa.

Excused: Lia Belli, Pius Lee, Clemente Obregon.

Staff

Present: Grant Mickins, Jack Casford, Linell Harden, Stanley Lim, Richard Norton, Vicky Rathbone, Gail Roberts, Essie Thomas, Lydia San Filippo, Susan Sher, Jackie Winnow.

Pledge of Allegiance

Minutes of February 26, 1981 approved.

COMMUNICATIONS

- From Gilbert H. Boreman, Clerk of the Board of Supervisors, a copy of a letter sent to all City departments and agencies, reminding them of the requirement under Conflict of Interest Codes that each person in a designated position file Statements of Economic Interest.

- From Mr. Boreman, writing at the request of Supervisor Quentin L. Kopp ,that the HRC review a proposed amendment to the City Administrative Code that would establish an Audit Advisory Committee, with regard to what effect it might have on minority firms engaged in public accounting.

- From Yori Wada, requesting the HRC list of community-based minority employment referral services.

- From Edward M. Ellis, Regional Commissioner, U.S. Department of the Treasury, U.S. Customs Service, thanking Director Mickins for his presentation during Social Awareness Week, February 9-13, 1981.

- From Frank Fitch and Steve Walters, Co-Chairs, Dinner Committee, Alice B. Toklas Memorial Democratic Club, announcing the 4th Alice B. Toklas Memorial Democratic Club Annual Awards Dinner for Friday, September 11, 1981.

- To Supervisor Willie B. Kennedy, formerly a member of the HRC, a telegram of congratulations on behalf of the HRC and staff on her appointment to the Board of Supervisors.

- From Charles B. Turner, Jr., Director, Community Design Center, University of California Extension, a copy of the Center's Progress Report for 1980.

- From Virgilio H. Talao, Campo-Talao, Construction Materials, thanking HRC Contract Compliance Coordinator Stanley Lim for his assistance in collecting an account owned by Valentine Corporation.

- From Lieutenant Willie E. Frazier, Secretary, for Dr. David J. Sanchez, Jr., President, The Police Commission, a letter, read in full, clarifying the nature of the Police Commission's consideration of an informal presentation by Messers Gene Royale and William Paul on January 28, 1981 of the Community Assistance Teams Project proposal. This proposal was on the agenda for this HRC meeting. Dr. Sanchez stated that no formal vote was taken on endorsement by the Police Commission, and that the Police Commission, "upon completion of community input and review, will gladly calendar for discussion the proposal in its revised form, and set the matter for public hearing." See Gay Advisory Committee section of these Minutes.

SPECIAL ORDER

Bid Protest by Huber, Hunt & Nichols, Inc., General Building Contractors, of HRC staff Recommendation of Award of Airports Commission Contract 1200B to Williams & Burrows, Inc./ Continental Heller Corporation, A Joint Venture.

- Chairperson Morrissey established speaking order and time limits for those persons speaking to this issue. Director Mickins listed the informational written documents sent in the advance to the members of the HRC and provided in their meeting packets, including a formal protest letter of February 20, 1981 by Huber, Hunt & Nichols, Inc., a February 25, 1981 letter from William I Anderson, of Toothman, Anderson, Sprinkles & Maser on behalf of Huber, Hunt & Nichols, Inc., (with an attached Memorandum) of fifteen pages plus Exhibit "A"; a March 10, 1981, Brief submitted to the HRC by Thelen, Marrin, Johnson & Bridges for Williams & Burrows, Inc./ Continental Heller Inc. of eighteen pages; and a March 10, 1981 letter from the HRC to Richard R. Heath, Director of Airports, informing of the HRC Recommendation regarding bidder eligibility (Williams & Burrows) on Contract 1200B.

Note: The basis for the bid protest, as stated in the February 20, 1981 letter submitted to the Airports Commission by Mr. B. W. Bennett, of Huber, Hunt & Nichols, Inc., is in part, as follows: "specifically,, Williams & Burrows...did not comply with the requirements to list and indentify Minority Business Enterprise (MBE)."

The following persons made presentations:

Wayne Anderson, of Toothman, Anderson, Sprinkles & Maser, for Huber, Hunt & Nichols, Inc.

Eva Patterson, on behalf of Anthony Doria, R. King Erector, Inc., a Minority Business Enterprise subcontractor to Huber, Hunt & Nichols, Inc.

Thomas R. Hogan, of Thelen, Marrin, Johnson & Bridges, for Williams & Burrows, Inc./Continental Heller Inc.

Jason Yuen, San Francisco International Airport, Deputy Director, Terminal Harold Brooks, Construction Affirmative Action Officer, Business Development, Inc.

Mr. Anderson made the initial presentation. He said that the HRC staff recommendation declaring Williams & Burrows who submitted the low bid, eligible for Contract 1200B, could damage the HRC's own Affirmative Action Program and contract review and compliance role. He quoted directly from the HRC instructions to bidders pertinent to indicating and listing Minority Business Enterprise (MBE) subcontractors. He explained in detail the procedures followed by a competitive bidder in a construction contract. He charged that Williams & Burrows in the case of Contract 1200B did not comply"in either the letter or spirit of the MBE affirmative action requirement." He said other contractors in California would be looking to the HRC's position in this instance to determine if its goal (such as 11.5% MBE participation) are to be strictly enforced.

He quoted directly from the HRC bid proposal requirements: " Any bid proposal that does not indicate or list MBE's as required herein and make a commitment to the MBE requirements established by these contract documents on a timely basis will be considered non-responsive."

It was largely on the various interpretations and comments on this paragraph as quoted that the ensuing HRC's two-and-a-half-hour discussion centered. The debate focused on whether Williams & Burrows' failure to designate in writing those subcontrators which were part of its MBE commitment was a technical or a substantive error.

Mr. Anderson basically maintained, on behalf of his client, that the bid by Williams & Burrows was inadequate as to its compliance with the percentage goal (11.5%) of the total contract, and inadequate as to its failure to designate as MBE the list of subcontractors it furnished with its bid documents. He claimed that Williams & Burrows was given an "unfair advantage" to acquire and list its MBE subcontractors specifically in a five-day period after its initial contract bid was submitted.

Mr. Anderson also questioned whether a subcontractor/metal fabricator, H.P. Lopez, were a bona fide MBE, noting that its bid of $680,300 was the exact same amount as a majority contractor, West Bay Steel Inc., and that the two firms have the same telephone number and address. He claimed that West Bay Steel, Inc., would do the actual fabricating work.

Eva Patterson, who spoke briefly on behalf of Anthony R. Doria, a Huber, Hunt & Nichols, Inc. MBE subcontractor, corroborated Mr. Anderson's statement challenging Williams & Burrows' compliance with the spirit and intent of the HRC Affirmative Action Program guidelines and rules. She said that in a political climate where top federal officials in the Administration are openly expressing their opposition to affirmative action, it behooves state and local jurisdictions to re-affirm their commitments to enabling MBEs to share in the contracting business. Ms. Patterson that if the HRC permits Williams & Burrows to "get away with" technical irregularities as referred to earlier, it will cause direct economic harm to MBEs. She stressed her strong belief in government action and enforcement of affirmative action.

Harold Brooks who stated, after direct questioning by Chairperson Morrissey, that he spoke for the second low bidder, described the difficulties MBEs face when prime contractor may attempt to manipulate bid levels as a condition to participation as subcontractors. He said the MBEs have to be scrupulous in complying with contract bid guidelines, and that if major or prime contractors are not held to this, it amounts to a double standard. Mr. Brooks emphasized that major federal agencies, such as the Department of Transportation, are demanding specific contract term compliance from bidders or they are declared nonresponsive, and that he considered the Williams & Burrows omissions of MBE designation of subcontractors substantive.

It was noted by Chariperson Morrissey that Exhibit "A" (the Williams & Burrows subcontractor listing) in addition to not designating the MBEs, did not also list, as the form called for, their addresses or license numbers and asked, rhetorically, if those were substantive omissions.

Mr. Brooks said his position was that those details were vital or (substantive) requirements.

Thomas R. Hogan, attorney for Williams & Burrows, Inc. / Continental Heller Corporation, A Joint Venture, spoke next. He stated that in his opinion the crux of the issue under discussion was that his client as prime bidder has to make a firm commitment to 11.5% MBE participation, (He referred to the March 10, 1981 letter setting forth his clients' basic position,) , list its MBE subcontractors, and await the HRC's re - view/certification/verification of those MBE subcontractors.

Mr. Hogan admitted that Williams & Burrows had not marked "MBE" after the names of the MBE subcontractors, but said these were clerical mistakes and, in any case, did not relieve the firm of its commitment to 11.5% MBE participation. He held that the prime contractor cannot fail to use the MBE subcontractors it has listed after its contract is aceepted, and said that in a five-day period following acceptance it has to document these MBEs. He responded to extensive questioning from Commissioner Yamakawa on this point. He held that the omissions were immaterial, as were the omissions of the addresses and license numbers of the subcontractors.

Mr. Anderson responded briefly, saying that he considered the $250,000 "shortfall' in the MBE participation in the Contract 1200B bid in question a more that "technical and trivial" factor and stated that he did not see that Williams & Burrows had submitted "compelling documentation". He repeated that he felt that these and other factors he delineated (including the "cut-throat economics" the construction contract world, the new attitudes in the federal Administration regarding affirmative action, etc.) would do an ultimate disservice to the HRC Affirmative Action Program.

Grant Mickins then stated the staff position. He noted that the HRC staff is expert in its ability to analyze and implement contract compliance. He cited the extremely complex and demanding work that is required in reviewing lengthy contracts. He noted that the Airports Commission had made the award on March 5,1981 of Contract 1200B, subject to certification of its compliance by the HRC, and that the HRC then, on March 10, notified Director of Airports Richard R. Heath that Williams & Burrows was the low bidder eligible to be awarded the contract.

He stated that at the time of its bid, William & Burrows had actually exceeded the MBE percentage goal of 11.5% by 1.3% (12.8%), of the approximately $25 million contract but this amount had been reduced after staff reviewed and disallowed a few small MBEs . Mr. Mickins pointed out that verifying MBEs is a long and meticulous work task for HRC staff, and that in all contract bids there are allowances made for technicalities of designation and so forth.

In response to Mr. Anderson's charge that Williams & Burrows had not met the MBE goal, he noted that the HRC had carefully reviewed the bid, had eliminated non-qualifying MBEs, had required that a shortfall in the percentage commitment be corrected, and that it was mandatory that the contractor comply in every way. Williams & Burrows had submitted affidavits attesting to its MBEs' eligibility in a five-day period following its bid submission.

He held that the failure of Williams & Burrows to mark "MBE" beside the subcontractors' names was not a material defect or evidence of bad faith, but, rather, a technical defect.

On all aspects of this contract, he emphasized, the HRC had found that the requirements were properly met, and reiterated that it consistently

followed a "reasonable flexibility" in individual situations regarding contracts. Both he and Stanley Lim (who contributed to the discussion and answered questions from the members of the HRC) affirmed that the Lopez firm challenged by Mr. Anderson has a record of being an authorized MBE contractor on other jobs, including federally-funded contracts in Oakland and Pittsburg. Mr. Lim said the need for designating "MBE" next to the listed minority contractor is for the convenience of the compliance officer and interested parties so that at a glance one can tell the extent of minority participation. The final MBE review is still governed by the submission of Affidavit HRC Forms 3 & 4, detailing each MBE ownership.

There was extensive questioning from members of the Commission to Messrs. Lim and Mickins on various points of procedure, and of compliance by the two firms in question.

In response to a question on designating MBE's, Mr. Lim referred to Sec. 15 of the HRC Affirmative Action Program "Any bid proposal that does not indicate or list MBE's as required herein and make a commitment to the MBE requirements established by these contract documents on a timely basis will be considered non-responsive, unless the bid is accompanied by compelling documentation setting forth why the goal cannot be met...", and explained that "indicate" means indicating the percentage goal in the Attachment I form, while "list is the listing of names and amount in the Subcontractors List form. This Section does not apply to "designating MBE's" under the Subcontractors List form, he said. He referred to Sec. 4A Part I, page 2 of the HRC AAP where the word "designate" is meant for the Subcontractor List Form.

Jason Yuen, Deputy DIrector, Terminal COnstruction for San Francisco Internation Airport, during the discussion stated that in his opinion in this case the omissions by Williams & Burrows are only "human errors". He said it would be more costly for the second low bidder to be awarded the bid on the basis of a "technical error" by the first low bidder firm.

After much discussion, joined by Commissioners Giles, Moulton, Mezey, Edwards, Wade, Yamakawa, Stratton and Lyon, again centering on whether the HRC could consider the omissions of MBE designation technical or substantive, it was

m/s/c that the HRC staff, in evaluating the eligibility of Williams and Burrows, Inc. Continental Heller Corporation, A Joint Venture, did not follw HRC policy as the HRC would have wished. The "NO" votes (the votes was 8 to 4 to pass) were cast by Commissioners Morrissey, Edwards, Wade, and Stratton.

Director Mickins stressed that he felt this action would put the HRC "on a collision course" with other City awarding agencies in this field.

It was also

m/s/c that the HRC telephone the Airports Commission immediately following this meeting to advise it of its action to rescind the recommendation of its staff declaring Williams & Burrows eligible for award of Contract 1200B, and that the notice be confirmed by a follow-up telegram.

Commissioner Weiner stated that he wished the record to show that the HRC action is in no way that of criticizing its staff, and that he felt that it would in fact strengthen their hand in the future. It was, he said an affirmation of the basic principles of affirmative action.

DIRECTOR's FINDING

- Intergroup Clearinghouse

The Finance COmmittee of the Board of Supervisors has not yet discussed

In a regular meeting the Mayor's approval of a Supplemental Budget Request for $13,000 (Now approximately 9,000) from the HRC to staff the Intergroup Clearinghouse through June 30, 1981.

- Policy Prohibiting Sexual Harassment.

This Policy was forwarded to the Civil Service Commission with the HRC recommendation that it be adopted as City Policy. CSC member Darrell Solomon objected to it in the form submitted, and it was referred to the CSC's Affirmative Action Committee, which was to consider it on this date, March 12 at 3 P.M. at 101 Grove Street.

- HRC Budget for 1981-1982.

The HRC still is being held to a budget total 91% of its present fiscal year funding level. The extent of California state "bail-out" funds cutbacks to the City are not yet known, but they can, Mr. Mackins said, have repercussions at the HRC.

STANDING COMMITTEES
GAY ADVISORY

Phyllis Lyon, Chairperson.

- Gay Advisory/Police Liaison & Social Issues COmmittee Recommendation for Endorsement in Principle of the Community Assistance Team Service (CATS) Proposal of Centro de Cambio.

Commissioner Lyon asked that action on this matter be postponed. See Communications Section of these Minutes for the letter from the Police Commission President, Dr. David J. Sanchez, Jr.

POLICE LIAISON/SOCIAL ISSUES

Joan Zamora Moulton, Chairperson

- Recommended Endorsement of Secondary Resources Recycling Plant Project for Youth-Maurice James, Executive Director, Morrisania West, Inc.

Mr. James had appeared before the Committee and discussed this year-long job-training project in detail. Two six-month training cycles would train 52 youths (26 in each session) to collect, sort, and bale waste paper to be then sold to recycling plants. The operation will be at the National Guard Armory. The program hopes to contract with public and private agencies and businesses to collect their discarded papers. The youth will be paid $3.35 per hour (the minimum wage level) from a total funding of $240,000 from the State CETA program.

It was
m/s/c that the HRC endorse the Secondary Resources Recycling Plant Project.

EMPLOYMENT
David K. Yamakawa, Jr., Chairperson

- Employment Status Report for the George R. Moscone Convention Center: Richard Norton.

This presentation was postponed to the next HRC meeting.

YOUTH AND EDUCATION
Sister Bernadette Giles, Chairperson.

- Committee Report.

This Report was postponed to a future HRC meeting

NEW MATTERS

- League of Women Voters Observer.

Ms. Phyllis K. Jerome was introduced as the new observer from the League of Women Voters to the HRC and she was welcomed officially by Chairperson Morrissey.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, March 26, 1981 at 9:15 A.M. in the Third Floor Commission Room of the Main Library.

STANDING COMMITTEES

Employment	Thursday, April 2, 1981 9:30 AM 870 Market Rm. 920
Gay Advisory	Tuesday, April 7, 1981 12:00 HRC Offices, Rm 509
Housing & Urban Development	Tuesday, March 17,1981 2PM HRC offices, Rm. 509
Police Liaison/ Social Issues	Wednesday, April 15,1981 3PM HRC Offices Rm. 509
Youth and Education	Monday March 16, 1981 3:30 John Adams Community College Center 1860 Hayes Street, Rm 136

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins III
via Jack Casford

GSM:JC:bclp

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Tuesday, March 17, 1981

SPECIAL MEETING

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- At the request of Mayor Dianne Feinstein by letter March 13, 1981, this meeting was called to reconsider the HRC regular meeting vote of March 12, 1981 that rejected the low bid for construction project (Contract 1200B (3)--Boarding Area D) at San Francisco International Airport.

ROLL CALL

Commissioners

Present: John C. Morrissey (presiding), Lia Belli, Samuel Chung, Sister Bernadette Giles, Antonio Grafilo, Robert D. Edwards, Pius Lee, Phyllis Lyon, Caryl Mezey, Clemente Obregon, Stephen Stratton, Brenda K. Wade, Rabbi Martin Weiner, David K. Yamakawa.

Excused: None

Staff

Present: Grant S. Mickins, Frank Anderson, Pauline Anderson, Jack Casford, Linell Harden, Don Hesse, Stanley Lim, Grace Markham, Joe Meza, Richard Norton, Vicky Rathbone, Gail Roberts, Mary Gin Starkweather, Essie Thomas, Blanca Torres, Ed Vurek, Jackie Winnow.

- Chairperson Morrissey made a brief opening statement to the effect that this Special Meeting would be only for the purpose of reconsideration of the HRC action at its regular meeting of March 12, 1981.

- Commissioner Mezey then moved that the HRC rescind its vote of March 12, 1981 to rescind its staff recommendation that Williams & Burrows, Inc./Continental Heller Corporation/A Joint Venture be awarded Airports Contract 1200B. She then said she would have a substitute motion to offer later on the issue.

**** This motion was then unanimously adopted by voice vote.

Commissioner Mezey said that, speaking for herself and other (unnamed) Commissioners she wished to state that the March 12, 1981 HRC vote was not taken lightly, but because there were at the time serious doubts about the recommendation that Williams & Burrows be awarded the contract (of more than $25 million) on two counts:

1. The ommission of the designation of minority subcontractors in the bid documents by the initials "MBE", and

2. The question of the qualification of H.P. Lopez, a metal fabricator, as a bona fide minority subcontractor.

At the same time, she said, there was evidence presented to the HRC that of the contractors presented, (verified as bona fide after staff investigation over a five-day period), a substantial portion of the goal for the bid was reached (by Williams & Burrows, Inc.)

- She announced that she, joined by Commissioner Weiner and Vice-Chairperson Lyon have requested that the HRC Director (under the provisions of Paragraph 11 (f) of the HRC Affirmative Action Program) conduct an investigation, using an outside audit, of the qualification

of H.P. Lopez as a bona fide MBE subcontractor. This investigation is to culminate in a nonappealable Director's Finding.

**** Commissioner Mezey then moved that that the Human Rights Commission waive the irregularity of the lack of MBE designation on the bid document for Airports Contract 1200B, and that it approve the bid of Williams & Burrows, Inc./ Continental Heller Corporation, A Joint Venture, thereby sustaining the HRC Director's March 10,, 1981 Recommendation.

This motion was seconded by Vice-Chairperson Lyon.

Commissioner Moulton commented that she voted on March 12 with the majority to rescind the Recommendation that Williams & Burrows, Inc. be awarded Contract 1200 B because it had never been substantiated that H.P. Lopez was a bona fide MBE subcontractor.

Commissioner Weiner stated that in his majority vote acton March 12, the MBE designation played a minor part, but that the overriding factor was his strong concern over the possibility that there are contractors which are "fronts" on these issues 1(that is, not actually the firm that will be doing the work for the fee granted.) He hoped, he said, that a pattern for the future would be set, so that major contractors would be aware of this HRC concern.

Commissioner Lyon echoes the concern of Commissioner Weiner., noting that she had joined him and Commissioner Mezey in requesting an audit of a questioned MBE.

Commissioner Yamakawa said that he could not join in the reasoning of the proponents of the motion to rescind the March 12, 1981 HRC action. He said the question in his opinion was not whether a contractor could meet contract requirements (such as MBE designation of subcontractors), but whether those requirements had been met at the time of the bid sub - mittal. He said in a 1980 case (Lathrop Construction Co.) , the HRC had voted to recommend awarding a contract because certain specific require- ments were not at that time part of the HRC Affirmative Action Program. Those specific requirements were then added to the Program. He said he was troubled on March 12 that the staff had wanted to waive some. He said HRC staff was initially correct in hodling that more Williams & Burrows information had to be offered "up front" at the time the bid was placed.

Commissioner Chung said that he was now convinced that the low bidder (Williams & Burrows, Inc.) has complied in good faith with the basic requirements, and that he would support the motion to rescind the March 12 action.

It was then

*****m/s/c to consider the Mezey motion, unanimously.

And it was then formally voted (Commissioner Yamakawa voting "No"). *****that the Human Rights C mmission waive the irregularity of the lack of MBE designation on the bid document for Airports Contract 1200B, and that it approve the bid of Williams & Burrows, Inc./Continental Heller Corporation, A Joint Venture.

******Commissioner Obregon moved that before any HRC recommendation is made to agencies that are awarding a contract on which a major contractor's staff has made revisions it should come before the HRC for a final deter- mintaion. This was referred to the Employment Committee.

- Commissioner Mezey then stated that she felt that inadvertently the HRC's March 12, 1981 action had caused a great deal of pain to Director Mickins and staff. She noted that it had been under his outstanding leader- ship that the HRC Affirmative Action Program has been devised and implemented.

She praised his tact and diplomacy in working with the Airports Commission.

She expressed the hope that it be understood that the HRC's March 12 action had nothing to do with its esteem and respect for the Director , and that all members would continue in efforts to strengthen enforcement of the Program.

Ajournment

Respectfully submitted,

Grant S. Mickins III
Director
via Jack Casford

GSM:JC:sa

HUMAN RIGHTS COMMISSION

March 26, 1981

The Minutes of this meeting are missing.

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, April 9, 1981
Commission Room Main Library

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* NEXT MEETING *
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* Date: Thursday, April 23, 1981 *
* Time: 9:15 A.M. *
* Place: Third Floor Commission Room *
* Main Library Civic Center *
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NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings

ROLL CALL

Commissioners

Present: John C. Morrissey (presiding), Samuel C. Chung, Sister Bernadette Giles, Antonio Grafilo, Robert D. Edwards, Phyllis Lyon, Caryl Mezey, Joan Zamora Moulton, Brenda K. Wade, Rabbi Martin S. Weiner, David K. Yamakawa Jr.

Excused: Lia Belli, Pius Lee, Clemente Obregón.

Staff

Present: Grant S. Mickins, Jack Casford, Joe Meza, Vicky Rathbone, Gail Roberts, Essie Thomas, Lydia San Filippo, Julie Yim.

Pledge of Allegiance.

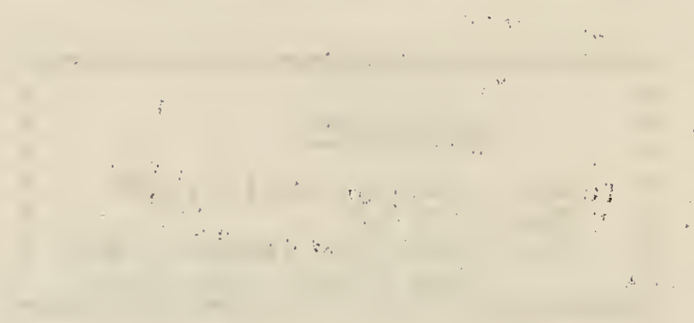
Approval of the Minutes of March 26, 1981 postponed to the meeting of April 23, 1981.

COMMUNICATIONS

- From Gilbert H. Boreman, Clerk of the Board of Supervisors, a document dated March 12, 1981 sent to all City commissions and boards, requesting comments on a proposed Charter amendment relating to the limit on terms served by members of each board and commission (no more than two successive terms).

- From David A. Gavrich, Acting Manager, Solid Waste Management Program, expressing concern over the March 6, 1981 Notice of Determination by the HRC Director in the matter of Synco, Inc., as a bonafide minority business enterprise. Director Mickins stated that the HRC's Notice may be appealed and that the attorney of the company concerned is still meeting with HRC staff regarding his client's status.

- From William K. Coblentz, of Jacobs, Sills & Coblentz, attorneys for KAR Contractors, requesting that a protest hearing scheduled by the Department of Public Works on a contract award challenge by his client should not be held. See Director's Report.



- From H. Welton Flynn, President, San Francisco Black Leadership Forum, a copy of a letter to Dr. Robert F. Alioto, Superintendent of Schools, with copies to the members of the Board of Education, the National Association for the Advancement of Colored People, and Assemblyman Willie Brown, Jr., protesting an alleged statement by a member of the School District staff regarding a new appointee. This letter was read in full. Mr. Mickins said that he did not interpret this carbon copy of a letter directed to Dr. Alioto as more than for information to HRC.

- From Hadley R. Roff, Executive Deputy to the Mayor, a Memorandum sent all Department heads announcing that the Mayor has set up a contributions clearinghouse to review all requests for private donations for municipal programs.

- From Edward Gerber, State Representative (for San Francisco Office of the Mayor with the State Legislature), asking HRC review of Assembly Bill 1166, introduced March 18, 1981 by Assemblywoman Gwen Moore, to provide funding to carry out purposes of city and county human relations commissions. This is the reintroduction of a bill, AB 2597, which was supported in the previous Session by the HRC and others. This bill, which sought to authorize state subsidy of county human relations commissions, passed the Assembly, but was defeated in the State Senate in 1980.

- From Thad Brown, Chairman of the Board of Directors, Economic Opportunity Council of San Francisco, announcing a one-day symposium on street crime and violence at the Hall of Flowers in Golden Gate Park from 9 AM to 4:30 PM April 23, 1981.

- From Hadley R. Roff, Executive Deputy to the Mayor, a Memorandum of April 3 to the Board of Supervisors, Chief Administrative Officer, and Department heads, announcing that the Mayor has designated a special housing policy group of City officials coordinated by Dean Macris, Director of City Planning, with Bill Witte, former aide to the Assistant Secretary of Housing and Urban Development in Washington, D.C., as Deputy Director for Housing at the Office of Community Development.

- From Mayor Dianne Feinstein, inviting the HRC to ceremonies in the City Hall Rotonda on April 8 at noon, commemorating the designation of Manila as San Francisco's Sister City.

- From John D. Randolph, Attorney for Synco Corporation, requesting that the firm be granted a hearing on its challenged bonafide minority business enterprise status at the HRC meeting scheduled for April 23.

- From Daniel E. Boatwright, Chairman, California Senate Committee on Elections and Reapportionment, notice of a hearing May 1 from 9:30 AM to 4PM regarding redrawing of congressional and senate districts in the greater San Francisco Bay Area. The hearing will be at the San Francisco County Health Department building, 101 Grove, Room 300, in the Civic Center.

- From Bette Sellers, Executive Director, California Association of Human Rights Organizations (CAHRO), announcing the 8th annual Statewide Conference of the Association May 27 through May 29 at the Asilomar Conference Center, Asilomar State Beach, Pacific Grove, California.

- From Peggy Reardon, Director-Personnel, Selection & Equal Employment Opportunity Programs, Western Airlines, reiterating concerns regarding confidentiality and public disclosure, specifically Affirmative Action documents the HRC considers exempt from public disclosure. This letter was read in full. Director Mickins noted that Western Airlines has since 1977 refused to comply with HRC requests for workforce statistical reporting, and that it has consistently challenged its authority in Affirmative Action. He said that the HRC will seek the counsel of the City Attorney prior to proceding from this point to obtain compliance by Western Airlines.

DIRECTOR'S REPORT

- HRC Reinbursement for Affirmative Action Monitoring Services to Other City Departments.

The Chairperson had asked Director Mickins to explore means by which the HRC could seek reimbursement, through a fee schedule to be proposed to the Board of Supervisors, for its contract compliance and monitoring services to other City departments. The HRC has written (April 7) to City Attorney George Agnost, formally requesting an Opinion on the question of "whether the City and County may impose on bidders on Public Works and improvement contracts a reasonable, pro-rata fee, based on the amount of the contract." The purpose of the fee structure would be to reimburse the HRC for services provided in fulfilling federal, state, and local requirements in equal employment opportunity and affirmative action. The April 7 letter was read in full.

- HRC Budget Status.

The Mayor held two public hearings on the City budget, one April 4 at the Mission Branch Library in the forenoon, and one April 7 at the Anza Branch Library in the evening.

In this connection, Director Mickins displayed a chart prepared by the Mayor's Office showing the percentile of the total City ad valorem monies provided each City department. The Human Rights' Commission was 46th (of a total of 53 City departments) in size of budget, and was one of eleven departments whose budgets together total 1.1% of the total City budget. Director Mickins noted that for the past four years the budget preparation process has been that departments have been told their budgets must conform to a certain percentage of the former year's total budget. For example, this year the HRC budget is to keep within 91% of the previous year's budget. He stated that a 10% cut to a small department such as the HRC has far graver consequences on its staffing and ability to fulfill its mandate than the same amount of cutback for a multi-million-dollar department. He pointed out that the HRC in 1980 lost a fulltime professional position, Human Relations Representative, one of only five such positions it had held since 1967. It is expected that under a 91% budget for 1981-82, another such position will be lost. The Gay/Lesbian Liaison Worker slot, as previously reported, is currently nonexistent, since the funding for it had come from Comprehensive Employment and Training Act monies. He reported that he and Commissioner Lyon had met recently with Deputy Mayor Roff to urge that this position be city funded. At latest report, the Mayor has acknowledged the need for the position, provided Deputy Mayor Roff can find the funding for it.

- Commissioner Lyon stated that Supervisors Britt and Molinari have assured her that they intend to support funding for the Gay/Lesbian Liaison Worker position at the HRC. She reported that more than 40 letters and a number of telephone calls urging funding for this position had been received at the Mayor's Office, and she urged that more be sent.

Meeting with General Manager of DSS and Director of DPH

During the past thirty days Director Mickins has met with Edwin R. Sarsfield, General Manager of the Department of Social Services, and Dr. Mervyn F. Silverman, Director of the Department of Public Health, in an effort to bring the remaining contractors of these two agencies within the minimum requirements of Chapter 12B. Although both agencies award a number of purchase agreements, the bulk of most contract awards are to private nonprofit agencies within the City and County. He reported that a mechanism is nearly in place which will allow the HRC to monitor the Affirmative Action requirements of the contractors of these agencies from the point of the issuance of the Request for Proposals through the post-award period. Both Department heads indicated that they would review their budgets to determine the availability of funding to meet this necessary requirement. Both Department heads expressed reservations over the future state of their budgets,due to projected cuts in federal support for their programs.

Southwest Ocean Outfall Project

The bids for this massive project of the Clean Water Program were opened March 18. The apparent low bidder was Morrison-Knudsen, et al. at approximately $150 million. The second low bidder was Peter Kiewit and Sons at approximately $170 million. At least two bid "protests" have been filed by the low bidder alleging deficiencies in Minority Business Enterprise participation, and one "protest" hearing already has been conducted by the Director of Public Works pursuant to Environmental Protection Agency regulations. A decision on those bid "protests" has been pending while HRC Compliance Officer Stanley Lim anaylyses and investigates the bid submittals. The Minority Business Enterprise goal in this project is $24 million.

- Alioto's Fish Company, Ltd., et al., vs. HRC (Fisherman's Wharf case).

Judith L. Teichman, Deputy City Attorney, has represented the HRC since 1977 in this suit challenging the HRC Affirmative Action authority over these restaurants. A 1978 injunction forbidding the HRC to require Affirmative Action agreements had been granted by Superior Court Judge Charles L. Peery, and it was appealed to the Court of Appeal of the State of California, First Appellate District. Ms. Teichman has sent the HRC a copy of her Second Supplemental Brief on Affirmative Action as requested by the Court of Appeal. The issue presented in that brief, Mr. Mickins said, is whether the plaintiff had any right to declaratory relief.

- Affirmative Action Pre-Emption Bills.

State Senate Bill 516 and Assembly Bill 879 have been introduced by Senator Marz Garcia, and Assemblyman William H. Ivers, respectively. It would change the makeup of the Fair Employment and Housing Commission, among other things, but, most importantly, it would make the State FEHA affirmative action and nondiscrimination provisions pre-emptive over those of local city and county programs. Its final section states that "It is the intent of the Legislature to occupy entirely the field of discrimination in employment and housing...to the exclusion of any city, city and county, county or other political subdivision of the state, and the provisions...shall preclude all other laws, ordinances, and regulations including those enacted pursuant to the contracting power, banning discrimination in employment & housing or requiring affirmative action..."

Director Mickins commented that this legislation as proposed could eliminate the Gay discrimination protections of Article 33 of the City's Police Code, and the Fair Housing for Children Ordinance, etc.

*** Consideration of recommending an HRC position on these two measures was referred to the Administrative Committee.

- William L. Becker Retirement.

Mr. Becker, HRC Director form 1967 to 1975,when he resigned to become Deputy Director of the State Department of Industrial Relations, has announced his retirement. A retirement recognition event has been scheduled in his honor April 30 beginning at 6:30 PM at the Apostleship of the Sea, 399 Fremont Street.

STANDING COMMITTEES

EMPLOYMENT
David K. Yamakawa,Jr., Chairperson
Robert D. Edwards, Vice-Chairperson

- Affirmative Action Report on Minority and Woman-Owned Business Enterprise Participation at San Francisco Internation Airport - Lydia San Filippo, HRC Contract Compliance Officer.

Ms. San Filippo's presentation included reference to a written, narrative report on her work with Airport tenants and service contracts enhanced by a number of supportive documents: Airports Commission Resolution No. 79-0093 of March 20, 1979 affirming its Equal Employment and Affirmative Action policy in cooperation with the HRC; a listing of Minority Newspapers compiled by Ms. San Filippo and a former staff member, Ms. Charlie Lee; a Minority Consortium Employment Directory compiled by the two women professionals and the San Francisco Minority Consortium; and bound copies of a work manual made available to each contractor by HRC staff for their information on compliance. The manual includes Chapter 12B of the City Administrative Code, an HRC workforce report form, the categories of jobs covered under Department of Transportation and Federal Aviation Administration regulations, and other data to assist them in complying with Affirmative Action contract obligations, including a copy of Senate Bill 1140 that requires separate reporting statistics on Filipino work participation.

Ms. San Filippo's March 30 written report covers the background of the HRC's monitoring work(since 1979) of Airport tenants and service contracts; descriptions of the materials noted above which are distributed to Airport tenants and contractors; the kinds of activities staff has undertaken in addressing the Affirmative Action aspects of business participation; the MBE/WBE Seminar of June of 1980 for minority and women entrepreneurs planned by HRC in cooperation with Airport staff; a report on work with the San Francsico Business Development Center; a report on simultaneous application of HRC and DOT/FAA Affirmative Action regulations; and the liaison activities/outreach work by HRC staff.

The latter has included: information exchange between HRC and Airport staffs; preparing quarterly reports on A/A for inclusion in the Airports quarterly summary; preparing annual goals and objectives for the A/A component of the Airport's FIRM (Financial and Information Resources Management) system; involving community business development personnel in pre-bid informational conferences on upcoming concessions; and making presentations to minority and women's organizations on business/concession/contractural opportunities at the Airport.

Ms. San Filippo pointed out the kinds of data (e.g., total majority/minority male/female workforce statistics) she used in negotiating Affirmative Action program commitments with Airport tenants and contractors. She said that HRC work at the Airport had attracted the attention of other jurisdictions, such as the Port of Oakland, which had requested materials and information on its work.

Ms. San Filippo is also the designated Minority Business Enterprise Liaison Officer for the FAA-DOT Minority Business Participation Program, serving also as the intermediary for intra-agency communications.

- Workforce Analysis of San Francisco International Airport-Julie Yim, Affirmative Action Officer.

Ms. Yim's presentation also was accompanied by a written narrative supported by statistical charts. Ms. Yim has surveyed all but one Airport tenant holding a lease for their workforce breakdowns. Six industries are covered: aircraft service, airlines, passenger transport and parking, auto rental, concessionaires and miscellaneous, and air cargo and freight. With 91 tanants reporting, there are 17,308 private-sector employees at the Airport. The airline industry (29 commercial carriers) employs 74%, or 12,799. Western Airlines, which has failed to submit workforce reports (see Director's Report) employs approximately 2,000 persons. Approximately one-third of the airline workforce is male: one-half are White

males. Females are concentrated in the sales and service worker classifications, with only 6% representation in the officials, managers and professional categories. Women make up less than 1% of the craft workers, technicians, and operatives.

Overall, the Airport private sector workforce has:

72% White and 28% minority workers. ½
63% male and 37% female.

The largest single occupational group is service workers. The highest concentration of minorities is in the category of laborers.

The highest concentration of women is in the category of sales workers. The greatest deficiency of minorities is in the category of officials, managers and sales workers. The greatest deficiency of women occurs in the craft workers' classification.

Affirmative Action goals for 1981-82 being pursued by the HRC include:

- Identification of recruitment and selection processes to determine factors in the racial and sexual inbalances in the workforce.
- Development of Affirmative Action agreements with tenants falling within the monitoring level.
- Development of a uniform monitoring program.
- Development of a recruitment and selection process to encourage and increase the hiring of San Francisco residents.
- Compilation of the 1980 Census information into reasonable goals to gauge the success of Affirmative Action activities.

Ms. Yim's statistical charts showed racial and ethnic overall Airport workforce breakdowns; race, sex and occupational categories; and female/male and majority/minority comparisons by occupational categories and industries.

Commissioner Chung urged both Ms. San Filippo and Ms. Yim to include Korean community job development sources and newspaper advertising.

It was

**** m/s/c that the HRC formally accept these two reports.

- Future Employment Committee Issues.

The newly-reorganized Employment Committee met in April and will welcome attendance and observation by other members of the HRC at its meetings. In the future the Committee will be reviewing the goals as defined in the Construction Affirmative Action Program, and it will be following up on suggestions made by Commissioners Chung, Obregon, and Stratton and referred to it earlier.

GAY ADVISORY
Phyllis Lyon, Chairperson

- Committee Report.

- The newly-expanded Committee now includes nine first-time members, making a total of thirteen. At its meeting April 7, the Committee heard a presentation by the Commission on the Status of Women regarding an HRC position on the Gay Rodeo planned to take place soon in Nevada. The Lieutenant Governor of that state had been quoted as making derogatory statements about Gay people in connection with that event. Commissioner Lyon said the Committee is drafting letters expressing its concerns to be sent, respectively, to the Lieutenant Governor of Nevada regarding his derogatory statements, and to the Gay Rodeo Association, about holding the Rodeo in a state that has not ratified the Equal Rights Amendment.

- Dr. George Karonsky, Coordinator of Instruction, San Francisco Unified School District, was a guest at the April 7 meeting. He discussed the integration of the Lesbian/Gay lifestyle component into the Health and Family Life curriculim of the District. The Human Rights Foundation, a Gay organization, has produced a draft of a resource manual to be distributed to teachers in the SFUSD. Comments and feedback are being sought on the use of the manual. It was revealed in discussion, however, that there still is a lot of homophobia among teachers, administrators, and students in the District.

- Anti-Lesbian/Gay Violence Conference.

A one-day conference is planned tentatively for early June. Details have yet to be worked out.

- Support for Retention of Gay/Lesbian Liaison Worker.

Commissioner Lyon again stressed the importance of letters to the Mayor's Office supporting funding for this HRC staff position permanently.

YOUTH AND EDUCATION
Sister Bernadette Giles, Chairperson

- Committee Report-Commissioner Weiner.

Ms. Evelyn Fitzgerald, District Coordinator, Vocational Education, of the San Francisco Unified School District, made a presentation on the School for Business and Commerce on Broadway. It is a part of the District's magnet school concept, with special schools concentrating on special interests. Some 400 students, who spend half-days at regular high schools and half-days at Business and Commerce, follow a curriculum of business training, with specialized equipment of all kinds. Most of the students are juniors and seniors. Funding comes from federal and state sources. There is excellent minority participation and input, Commissioner Weiner noted. Students must have a C grade average to attend. If there are openings, adults can enter.

Essie Thomas of the HRC staff announced that Ms. Fitzgerald had invited the HRC to visit the school.

NEW MATTERS

- Form 730-Statement of Economic Interest.

Commissioners were reminded that these completed forms must be turned in to Jack Casford by April 30.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, April 23, 1981, at 9:15 AM in the Third Floor Commission Room of the Main Library.

STANDING COMMITTEES

Employment	Thursday, May 7, 1981 9:30 AM 870 Market, Room 920
Gay Advisory	Tuesday, May 5, 1981 Noon HRC Offices, Room 509

Housing & Urban Development	Monday, April 13, 1981 10 AM HRC Offices, Room 509
Police Liaison/ Social Issues	Wednesday, April 15, 1981 3PM HRC Offices, Room 509
Youth and Education	Monday, April 20, 1981 3:30 PM John Adams Community College Center 1860 Hayes, Room 136

No Remarks from the Audience

Adjournment.

Respectfully submitted,

Grant S. Mickins III
via Jack Casford

GSM:JC:sa
4/14/81

* NEXT MEETING *

HUMAN RIGHTS COMMISSION

April 23, 1981

This meeting was cancelled.

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, May 14, 1981
Commission Room, Main Library

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* NEXT MEETING *
* Date: Thursday, May 28, 1981 *
* Time: 9:15 AM *
* Place: Third Floor Commission Room *
* Main Library, Civic Center *
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NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings

ROLL CALL

Commissioners

Present: John C. Morrissey (presiding), Samuel Chung, Robert D. Edwards, Phyllis Lyon, Clemente Obregón, Brenda Wade, Rabbi Martin S. Weiner, David K. Yamakawa, Caryl Mezey.
Commissioner-designate Richard Sevilla, who will be sworn in June 2 at 11:30 AMin the Mayor's Office, was present.

Excused: Lia Belli, Sister Bernadette Giles, Antonio Grafilo, Pius Lee, Joan Zamora Moulton.

Staff

Present: Grant S. Mickins, Frank Anderson, Matt Cohen, Don Hesse, Vicky Rathbone, Gail Roberts, Essie Thomas, Jackie Winnow, Jack Casford.
Jackie Winnow, whose CETA-funded position as Gay Liaison Worker to the HRC had ended March 30, has been re-hired as interim staff for the Intergroup Clearinghouse.

Pledge of Allegiance

Minutes of March 26, 1981 approved with amendments substituting for Recent Supreme Court Decisions Affecting Affirmative Action-Susan Sher, Legal Intern, page 5.
Minutes of April 9, 1981 approved.

COMMUNICATIONS

- From Kevin B. Williams, Chairman, Alliance of Minority Contractors and Suppliers Against Southwest Outfall Sewage Project Bid, with six co-signers, protesting Minority Business Enterprise contract awards in the project.

- From Joseph C. Gavin, Director of Purchasing and Services, enclosing correspondence consisting of proposed revisions in the City and County Standard Contractural Provisions from the International Business Machines Company, and informing that IBM refuses toaccept the language currently in Chapter 12B, the City's Nondiscrimination Ordinance. Mr. Gavin stated that "If the City will not accept the changes I.B.M. proposes they will no longer contract with us for the lease purchase or maintenance of IBM equipment."

Director Mickins discussed the IBM demands for changes, and then read in full his May 5, 1981 response to Mr. Gavin and the IBM position, stating that the HRC "deems Chapter 12B as written crucial to ensuring nondiscrimination in publicly-funded agreements", and suggesting the IBM's refusal be referred to the City Attorney to determine the legal effects or liability of the contractor in its proposed action.

HRC members discussed this matter briefly, noting that this stance by IBM is a new development, although consistent with the current stiffening attitude toward affirmative action.

- From Mayor Dianne Feinstein, commending Stanley K. Lim, HRC Contract Compliance Officer, for his most recent Report on Employment in City-Funded Construction Contracts.

- From Roger Boas, Chief Administrative Officer, approving the construction contract compliance budget for Moscone Center.

- From Kathy Mason, San Francisco Neighborhood Legal Assistance Foundation, a proposed Omnibus Resolution and supportive background materials, requesting HRC consideration and action supporting continued federal funding for the Legal Services Corporation program nationally. See Housing and Urban Development Committee section of these Minutes.

- From J. Peter Singer, Deputy Director of Airports, Business and Finance, Airports Commission, confirming that the 1981-82 HRC budget for affirmative action staff services and support at the Airport has been approved.

- From James H. Johnson, Director, Mayor's Office of Community Development, enclosing a copy of "General Criteria for Evaluating Proposals" and a copy of the evaluation criteria for the program activity of Housing Counseling and Technical Service Agencies.

- From Mayor Dianne Feinstein, a Memorandum sent all department heads, requesting that all Departments under the Mayor's jurisdiction clear with her office the type and nature of any testimony on City policies before Congressional committees in Wahsington, D.C.

- From George Agnost, City Attorney, submitting Opinion No. 81-28, "Imposition of Regulatory Fees Upon Bidders for City and County Contracts," prepared by Burk E. Delventhal, Deputy City Attorney, and Elisabeth C. Brandon, Legal Assistant. The HRC had requested this Opinion, asking if the City and County could impose a regulatory fee upon bidders for City contracts in order to obtain reimbursement for expenses incurred by the HRC in monitoring those bidders for compliance with the City's nondiscrimination requirements.

Portions of the Opinion were read by Mr. Mickins. The Opinion Conclusion was that the City may impose such a regulatory fee (to be enacted by the Board of Supervisors) for the purpose stated, "...as long as those fees are reasonably related to the actual or estimated costs of such regulation."

- From William Louis Becker, former HRC Director, a personal thank-you for Director Mickins'participation at a recent dinner given in Mr. Becker's honor on his retirement as Deputy Director of the State Department of Industrial Relations.

- From Mervyn F. Silverman, M.D., M.P.H, Director of Health, City Department of Public Health, informing that funds are not available in the foreseeable future to provide a degree of funding for the HRC's monitoring of Department of Public Health contracts.

- From Don Jacobson, Chief Assistant District Attorney, a copy (also sent the Mayor, the Civil Service Commission, and the City workers' union Local 400,)of a letter to Supervisor Harry Britt in the matter of a sexual orientation discrimination complaint by Marc Johnson, a former member of the staff of the Family Support Bureau. A Civil Service Commission investigation is under way of Mr. Johnson's complaint that he was discharged (after a intradepartmental incident involving another fellow-employee) on the basis of his sexual orientation.

- From Milton H. Mares/ James L. Lazarus, Board of Supervisors Employee Relations Division, a copy of a Summary of Agreements reached in meet-and-confer talks with employee union organizations for fiscal year 1981-82.

DIRECTOR'S REPORT

- HRC Annual Report to the Mayor.

The HRC will be making its Annual Report to the Mayor on its activities on a fiscal rather than calendar year basis henceforth. An internal staff performance and activity reporting system has been worked out in order to develop statistics defining its areas of contract compliance monitoring work, its complaints-handling and the status of complaints, and its goals and achievements.

Mr. Mickins asked HRC members to send a glossy photograph to Jack Casford or Gail Roberts for inclusion in the next Annual Report.

- HRC Budget.

The HRC budget for fiscal 1981-82 will be recommended at approximately $414,000. The Mayor's Office has approved an adjustment allowing the addition of a Class 2996 (Human Relations Representative) position to be filled by the Gay Liaison Worker, the Civil Service Class level for fiscal year 1981-82.

The Gay Liaison Worker position has been covered since 1974 by appointees working under the Comprehensive Employment and Training Act (CETA) program, which CETA terminated March 30, 1981. Jackie Winnow, currently interim staff for the Intergroup Clearinghouse,will resume her duties as the Gay Liaison Worker under the fiscal year budget funding.

Mr. Mickins reported that an interim supplemental budget for the Gay/Lesbian job the HRC budget has been approved by the Finance Committee of the Board of Supervisors to carry the position through June 30, 1981.

- The Airports Commission has approved (see Communications) Inter departmental work order funding for the HRC monitoring and other affirmative action services to it for the next fiscal year.

- The Moscone Convention Center Affirmative Action Program has been approved for fiscal 1981-82 for HRC monitoring services. When the Center construction phase is completed, in November, 1981, (its first major convention will be held there in December), the HRC intends to set up monitoring services for Facilities Management, Inc.,a subsidiary of the Hyatt Corporation, which will manage the Center.

- The Commission on the Aging has this year included a budget allocation of $23,500 to the HRC to continue its monitoring services.

The Mayor's Office of Community Development will shortly be considering a proposal by the HRC for funds for the Fair Housing Program staffing for the next fiscal year, including the monitoring of OCD Construction contracts.

- Southwest Outfall Sewage Project - Stanley Lim's affirmative action work on this massive construction project has resulted in an approximate $26 million share of the $150 million dollar contract for Minority Business Enterprise firms. Director Mickins cited Mr. Lim's high level of professional achievement in this work, and it was noted that Mr. Lim was mentioned recently in an article in the Wall Street Journal.

- California Association of Human Rights Organizations (CAHRO) Conference. Mr. Mickins has been asked to present the work of the Intergroup Clearinghouse at this annual conference beginning in Asilomar May 28.

STANDING COMMITTEES

Housing and Urban Development
Caryl Mezey, Chairperson

- Discrimination in the Tenderloin: a Follow-up Audit of Discriminatory Rental Practices in Tenderloin Residential Hotels - Matthew Cohen, HRC Fair Housing Program.

Mr. Cohen had reported in detail in November of 1980 on the Fair Housing Program's October, 1980 housing discrimination audit of 26 Tenderloin area residential hotels. The purpose for doing the follow-up audit in March of 1981 was four-fold, and identical to that for the October project:

1. To determine the scope of discrimination in rental housing that still exists in San Francisco.
2. To demonstrate the principal investigative tool of the San Francisco HRC Fair Housing Program.
3. To educate the affected populations to the means by which housing discrimination can be remedied through legal means.
4. To put landlords and managers on notice that such practices will not be tolerated.

Mr. Cohen reported that on two days in March, 1981, two "checkers"--a Black and a White male---returned to the original 26 hotels audited in the October, 1980 study. The audit covered two days, and on the second day, three checkers were employed. Fifteen hotels had vacancies, the same ones (plus two) as in the October, 1980 audit. In the latter audit, 10 of 13 denied having a room available to the Black checker while offering a room to the White checker, for a 77% discrimination rate. In the March, 1981 audit, 11 of the 15 hotels discriminated, for a 67% discrimination rate. Mr. Cohen said that although these percentages look to be positive in terms of a drop in discrimination, they are deceptive in that two additional hotels are used in formulating these figures and the sample size is low enough that the addition of two hotels significantly distorts the data. The essential fact is that at least two-thirds of the hotels audited still, five months after the first audit, are practicing outright racial discrimination.

Mr. Cohen's report packet includes four statistical tables, plus appendices showing guidelines for checkers to follow, plus a copy of the letter sent December 16, 1980 by Director Mickins informing each hotel owner/manager audited of the results of the discrimination audit and offering assistance and discussion opportunities. Mr. Cohen stated, in response to a question from Chairperson Morrissey, that only two responses came from the December letter, one in writing (denying that discrimination was practiced), and one in the person of an owner/manager who came to the HRC offices for a discussion on how hotel employees, particularly desk clerks, can be alerted to their legal responsibilities regarding discriminatory practices.

The results of the March, 1981 follow-up audit were sent, at its request, to the State Department of Fair Employment and Housing, which announced, in a press conference May 7 in Sacramento attended by the HRC Fair Housing Program staff (Don Hesse and Matthew Cohen), that it was filing formal complaints against the ten Tenderloin hotels named in the HRC audit.

Mr. Cohen said it was found generally by the checkers (hired through a contract with Operation Sentinel, a Bay-Area-wide organization specializing in fair housing projects and assistance) that desk clerks in Tenderloin hotels make their judgment of a potential room customer on sight, ask no or very few questions, and generally want only to know if the prospective tenant has the money to pay, either daily or by the week.

The range of the hotel rooms covered in the audit was from $30 to $65 weekly.

Mr. Cohen said that the Fair Housing Program intends to make housing audits in the future in other areas of the City, and probably covering other types of discrimination, such as that practiced against families or individuals with children.

During the HRC commentary following his presentation, Mr. Cohen noted that hotel owner/managers are responsible legally for the actions of their employees, such as desk clerks who may or may not discriminate against prospective tenants.

It was

*****m/s/c that the HRC receive the Discrimination in the Tenderloin Follow-up Audit of Discriminatory Rental Practices in Tenderloin Residential Hotels, with a commendation to Mr. Cohen for the high quality and extensive and carefully-documented content of his report.

- Report on Fair Housing Program Status - Don Hesse.

Mr. Hesse explained briefly the procedures the Program follows in handling complaints it receives regarding housing. It may be able to handle them with a phone call or an on-site visit by staff, or it may refer more complex complaints to Operation Sentinel on a sub-contract service basis. Referral also can be made to the State Department of Fair Employment and Housing, the federal Housing and Urban Development Department, or the District Attorney (if it involves a charge of discrimination against children or sexual orientation). Complaints also have the option of seeking private counsel. The HRC utilizes the attorney referral services of the San Francisco Bar Association and Operation Sentinel, among others.

Mr. Hesse said that in the near future members of the Fair Housing Program staff may be asked to appear as material witnesses in housing complaint cases or DFEH administrative hearings. Or the HRC may be asked to be a co-plaintiff in a housing discrimination case, as in the ten complaints filed by the State Department of Fair Employment and Housing.

*** The HRC will request a formal opinion from the City Attorney on its ability to do this.

In response to other questions, Mr. Hesse said the services of the Operation Sentinel checkers in the Tenderloin audits cost about $1,200, but that since this was a relatively simple operation, using only two or three checkers, with a more sophisticated, detailed and wider-ranging audit, it could cost approximately $2,000.

He stated that the State DFEH desires to set up a fund for housing investigations from financial settlements obtained from parties it brings action against. The HRC has been asked by DFEH to submit its costs in doing audits and checks and for its staff time in order for DFEH to recover them as additional damages.

Chairperson Morrissey stated that he felt it important that the HRC continue its checking, in addition to its handling housing complaints, in order that it may continue to help reduce the incidence of continued discriminatory housing practices.

Mr. Hesse commented that the California Association of Realtors (he noted that a past president of the San Francisco Board of Realtors is a member of the HRC Housing and Urban Development Committee) voiced official cooperation and support for the principles of Fair Housing at the May 7 press conference in Sacramento when the DFEH announced filing of the ten complaints against the Tenderloin hotels.

- Proposed Resolution in Support of Continued Federal Funding for Legal Services Corporation.

Copies of this proposed Resolution were provided in advance of this meeting to all HRC members. The local San Francisco Neighborhood Legal Assistance Foundation provided some 14,000 clients with legal services in 1980 and has been working in the community for fifteen years.

After discussion about the content of the proposed Resolution, it was

**** m/s/c that the HRC adopt the Resolution in Support of Continued Federal Funding for Legal Services Corporation. The full copy of this Resolution is attached to these Minutes.

- Proposed Endorsement of State Assembly Bill 256-Fair Housing for Children Legislation - Mr. Hesse.

The HRC in 1979 endorsed a similar bill (to AB 256) introduced by State Senator David A. Roberti (SB 312) to prohibit landlords from denying rentals to prospective tenants with children "solely on the grounds that the prospective tenant has children."

AB 256 proposed by Assemblyman Leo T. McCarthy, has been passed by its Assembly Housing & Community Developments Committee, and is ready for action on the floor of the Assembly. It provides for limited damages and would be applicable to all housing in California.

Mr. Hesse said AB 256 is enforceable only by private action, not through any governmental state or local agency. It will, he said, have no effect on the status or implementation of the San Francisco Children's Ordinance. He stated that he personally had reservations about the use of the term "solely" in the wording of the sections of the bill as being too restrictive for enforcement and application. The State, he said, has pre-emption under the Rumford Fair Housing Act, but this bill (AB 256) comes under the Unruh Act. He noted that Los Angeles and Santa Monica have adopted much more stringent children's ordinances, which do not permit a landlord, for example, to unreasonably restrict the number of persons in a rental unit.

It was then

**** m/s/c that the HRC endorse AB 256, and to transmit its endorsement noting its reservations about the inclusion of the word "solely" in its wording.

EMPLOYMENT
David K. Yamakawa Jr., Chairperson

- Status Report on the Office of Revenue Sharing Compliance Agreement- Frank Anderson.

The federal Office of Revenue Sharing is a division of the U.S. Treasury Department. In 1978 a local group called Latinos for Affirmative Action filed an Administrative Complaint against the City and County of San Francisco charging noncompliance with the Local Fiscal Assistance Act of 1972. Latinos for Affirmative Action had been attempting to increase the participation of Hispanics in the City workforce, which at some 30,000 is the largest source of employment in the City. Federal investigators found this noncompliance in several areas: unvalidated selection devices; inadequate recruitment of minorities; closed promotive system; discriminatory inquires on application forms; gender-linked job titles; a concentration of minorities in temporary and CETA positions; severe under-representation of Hispanics in all levels and throughout the workforce; an absence of internal discrimination complaint procedures; and inadequate bilingual services.

A Compliance Agreement was signed between ORS and the City in June of 1979. The City agreed to a massive review and revamping of its selection and promotion procedures; it agreed to conduct intensified recruitment aimed at Hispanic and other minority communities;and it agreed to make a concerted effort to bring in increased numbers of Hispanics and other minorities.

The City then required each of its approximately fifty departments to develop an Affirmative Action Plan; the City was required also to develop an internal complaint procedure; and the HRC was built in to a number of these compliance items.

Mr. Anderson has been the HRC monitoring officer for the past year working with each City department in the development of an internal Affirmative Action Plan. All but two departments (Purchasing and Community College District) have completed their plans, and the HRC has certified them for one year and has so informed the Mayor and the Board of Supervisors.

Mr. Anderson read from the Second Semi-Annual Report due August 1, 1980, from the Civil Service Commission to the Office of the Chief Counsel of the Office of Revenue Sharing in Washington, D.C.

ROLE OF HUMAN RIGHTS COMMISSION AND MAYOR'S OFFICE

Both the Human Rights Commission and the Office of the Mayor have been integrally and continously involved in the implementation and monitoring of the provisions of the Compliance Agreement. The activities of the two agencies have included but are not limited to the following:

a) participation in bi-monthly meetings with the City Attorney, the Office of Revenue Sharing Coordinator and Civil Service staff to discuss updates, progress and problems in implementation of the agreement.

b) liaison activities with the Mayor and with community groups designed to encourage communication and information flow.

c) advice on policy matters related to the agreement

d) the Human Rights Commission has provided crucial and invaluable technical assistance to the City departments in the development of their Affirmative Action plans.

Both the Office of the Mayor and the Human Rights Commission have committed substantial resources to implementation of the agreement. These resource expenditures are expected to increase during the life of the agreement.

In July, Mr. Anderson said, the City will conduct its annual survey of all City departments and employees, and he said there may be a slight increase in the number of Hispanic employees. He noted that the City workforce is not expanding, contrary to popular myth, and that with the elimination of the federal CETA program, the City will lose more than 1,200 workers. One department is made up totally of CETA employees at the present time.

It was

****m/s/c that Mr. Anderson's Status Report on the Office of Revenue Sharing Compliance Agreement be accepted.

- Upcoming Employment Committee Issues - Commissioner Yamakawa.

1. The Committee continues its review of Commissioner suggestions for changes in HRC hearing procedures on protests by bidders to City contracts. This should be completed in June.

2. An update on the Pier 39 report has been completed and will be on an agenda also very soon for the HRC.

3. The annual review of the HRC's construction affirmative action program will be begun very soon.

4. A study will be undertaken on what can be done in the area of affirmative action for the handicapped/disabled.

GAY ADVISORY
Phyllis Lyon, Chairperson

- Board of Supervisors' Resolution Opposing Assembly Bill 879 and Senate Bill 516 Relating to Fair Employment and Housing.

A copy of the Resolution passed by the Board of Supervisors May 11, 1981 was provided the Commissioners. The Gay Advisory Committee had wished to support the Resolution, which opposes these two bills because they would "severely weaken the existing statewide fair employment and housing law" in a number of areas, including damages for discriminatory treatment, restriction of time limits for filing claims of discriminatory treatment, limiting the definition of physical handicap, etc.

The Gay Advisory Committee had wished that the Resolution could be expanded to include the statement:

WHEREAS, AB 879 and SB 516 would pre-empt the power of local jurisdictions to monitor publicly-funded contracts, be it further resolved that the Board of Supervisors reaffirm its support of affirmative action and reiterate its support of the ordinances it has already passed, particularly Chapter 12B of the Administrative Code and Article 33 of the Police Code.

After much discussion on this procedure of wishing to supplement a Resolution already (and for the last time) adopted by the Board of Supervisors, it was agreed

**** to go on record commending the Board of Supervisors for its Resolution Opposing Assembly Bill 879 and Senate Bill 516 Relating to Fair Employment and Housing, and to postpone further action pending receipt of wording of a proposed Resolution to be drafted by the Friends of the Human Rights Commission calling on the Board of Supervisors to reaffirm their support of affirmative action.

- Proposed Letter to Nevada Lieutenant Governor Regarding Prejudicial Anti-Gay Statements.

Press reports of public statements by Lieutenant Governor Myron Leavitt of Nevada in connection with a planning 6th Annual National Gay Rodeo in that state propted the Gay Advisory Committee to draft this letter calling for an official retraction and public apology to the Lesbian/Gay community of Nevada.

It was

*****m/s/c that this letter be approved to be sent in the name of the HRC over the signature of Chairperson Morrissey.

- Proposed Letter to Phil Ragsdale of the 6th Annual National Gay Rodeo.

This letter as drafted questions "the legitimacy of holding a national Gay event (i.e., 6th Annual Gay Rodeo) in a state which has failed to ratify the Equal Rights Amendment to the U.S. Constitution." It states that the HRC will encourage Lesbians and Gay men to boycott the 6th Annual Gay Rodeo, and urge that in future years the National Gay Rodeo be moved to a state which has ratified the ERA.

It was

****m/s/c that this letter be sent in the name of the HRC and over the signature of Chairperson Morrissey.

YOUTH AND EDUCATION
Sister Bernadette Giles, Chairperson

- Committee Report - Commissioner Wade.

Dr. Robert S. Spitzer, a psychiatrist and publisher specializing in families and children gave a presentation of the Traveling Video Show, which he described as a teaching and learning process. Dr. Spitzer has offered this material, which shows cross-cultural activities in schools in San Jose, to the San Francisco Unified School District. He says he wishes no fee for this material.

A member of the Youth and Education Committee suggested to Dr. Spitzer that he contact Ms. Carol Choye, Coordinator of Curriculum for the San Francisco Unified School District, to see if some of this material could be utilized.

NO NEW MATTERS
CALENDAR MATTERS

- Commissioners, who have not completed and turned in their Form 730 Statement of Economic Interests were reminded to do so.

- The next regular meeting of the HRC will be Thursday, May 28, 1981, at 9:15 AM in the Third Floor Commission Room of the Main Library.

Commissioner Weiner asked that Commissioners be surveyed regarding a possible change to a 4 to 6PM meeting time. He later withdrew his request

STANDING COMMITTEES

Employment	Thursday, June 4, 1981 9:30 AM 870 Market Room 920
Gay Advisory	Tuesday, June 2, 1981 Noon 870 Market Room 920
Housing and Urban Development	To be announced
Police Liaison/ Social Issues	Tuesday, May 19, 1981 3 PM HRC Offices Room 509
Youth and Education	Monday, May 18, 1981 3:30 PM John Adams Community College Center 1860 Hayes Room 136

No Remarks from the Audience

Adjournment

Respectfully submitted

Grant S. Mickins III
via Jack Casford

GSM:JC:sa
5/20/81

RESOLUTION IN SUPPORT OF CONTINUED FEDERAL FUNDING FOR THE LEGAL SERVICES CORPORATION

WHEREAS, the San Francisco Neighborhood Legal Assistance Foundation, a Legal Services Corporation grantee, has provided high quality legal services to the poor in San Francisco for 15 years, especially in the areas of low-cost housing and welfare rights; and

WHEREAS, the President of the United States has recommended eliminating federal funding for the Legal Services Corporation and dissolving that Corporation; and

WHEREAS, the Legal Services Corporation plays a vital role in securing legal protection for those least able to afford it; and

WHEREAS, the Legal Services Corporation has a distinguished record of economical, effective legal representation for the poor since it was established in 1965; and

WHEREAS, cutbacks in other federally-funded social services programs will increase the demand for adequate legal representation for the poor; and

WHEREAS, legal services for the poor and equal access to justice are of great benefit to the general society; and

WHEREAS, the legal rights of the poor are best served within the judicial system; and

WHEREAS, state and local government funding of all legal services for the poor is neither realistic nor desirable; and

WHEREAS, eliminating the Legal Services Corporation would deny a vast number of American citizen equal access to the justice system; and

WHEREAS, the San Francisco Human Rights Commission has worked closely with the San Francisco Legal Assistance Foundation and benefited from its efforts on behalf of low-income people;

NOW, THEREFORE, BE IT RESOLVED that the San Francisco Human Rights Commission oppose any attempt to withdraw federal funding from the Legal Services Corporation or its grantees, or to dissolve the Corporation, and urge that the Corporation be funded at the level necessary to insure that quality legal representation for the poor will continue.

Resolution 1-81
Adopted by the HRC 5/14/81

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, May 28, 1981
Commission Room, Main Library

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* NEXT MEETING *
*
* Date: Thursday, June 11, 1981 *
* Time: 9:15 AM *
* Place: Third Floor Commission Room *
* Main Library, Civic Center *
* Enter building through ground-level *
* McAllister Street entrance. *
****

NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

ROLL CALL

Commissioners

Present: Rabbi Martin S. Weiner (presiding), Lia Belli, Samuel Chung, Sister Bernadette Giles, Robert D. Edwards, Pius Lee, Caryl Mezey, Joan Moulton, Richard Sevilla.

Commissioner-designate Sevilla will be sworn in Tuesday, June 2, at 11:30 AM in the Mayor's Office.

Excused: Antonio Grafilo, Phyllis Lyon, John C. Morrissey, Clemente Obregon, Brenda K. Wade, David K. Yamakawa.

Staff:

Present: Grant S. Mickins, Jack Casford, Stanley Lim, Vicky Rathbone, Gail Roberts, Essie Thomas, David Treanor, Ed Vurek, Jackie Winnow.

Pledge of Allegiance

Minutes of May 14, 1981 approved.

NOTE: The meeting of April 23, 1981 was cancelled, hence, there were no Minutes.

COMMUNICATIONS

- From Gilbert H. Boreman, Clerk of the Board of Supervisors, at the direction of Supervisor Willie B. Kennedy, requesting that the HRC and Roger Boas, Chief Administrative Officer, provide information concerning compliance with the Minority Business Enterprise Program in the Southwest Outfall Sewer System Project, specifically compliance by the Morrison-Knudsen Company. Director Mickins gave background on this matter, which he discussed at the April 9, 1981 regular HRC meeting. The second and only other bidder (Peter Kiewit and Sons) in this Project filed two bid "protests" alleging deficiencies in Minority Business Enterprise participation. One bid "protest" hearing was conducted by the Director of Public Works.

Stanley Lim, the HRC's Contract Compliance Coordinator has conducted an extensive review of the MBE participation, including an investigation of a major MBE sub-contractor under the Morrison-Knudsen low bid ($150 million as opposed to the next bid of $171 million), and found that the MBE goal of 16.1% or 24.5 million had been exceeded---to 26.4 or 17.5% million.

This included the study of the particular challenge by one MBE firm that an MBE Subcontractor due to undertake a major proportion (21.5 million) of the total $26.4 million MBE work was not bona fide. Mr. Lim did find that the challenged contractor does conform in every respect to HRC guidelines for MBE participation, and that information is being forwarded to Supervisor Kennedy through Mr. Boreman.

- From Mr. Boreman, the full schedule of Board of Supervisors committee hearings on the City's 1981-82 Departmental Budgets. This was read in full, and it was noted that the HRC will be heard before a Joint Finance/ Community Services Public Hearing at 1 P.M., Wednesday, June 24 in Room 228 of City Hall. The HRC appears with a number of health and community services departments, including the Department of Social Services, the Juvenile Court, and the Commission on Aging.

*****Commissioners asked to receive copies of these schedules.

- HRC Budget.

As announced at the HRC at its regular May 14 meeting, the HRC budget for fiscal 1981-82 has been recommended (by The Mayor's Office) at approximately $414,000, including an adjustment allowing the addition of a Class 2996 Human Relations Representative positions to be filled by the Gay Liaison Worker.

Mr. Mickins noted that the proportion of the total HRC budget from inter-departmental work order services funding to has become nearly as large as monies from the ad valorem allotment from the City.

- Gallup Poll on National Attitudes Towards Affirmative Action.

The results of this poll, conducted across the nation from December 5 to 8, 1980, based on interviews with 1,549 persons over 18, were published in the San Francisco Chronicle May 21, 1981.

Mr. Mickins discussed the poll, its findings, and in particular the wording of its inquiry/question, in detail. . .

Persons were asked, "Some people say that to make up for past discrimination, women and members of minority groups should be given preferential treatment in getting jobs and places in college. Others say that ability, as determined by test scores, should be the main consideration. Which point of view comes closet to how you feel on this subject?"

The results were summarized as: 10% believed in preferential treatment.
83% believed in ability.
7% had no opinion.

Women were reported to choose ability over "reparative preference" 82% to 11%; Non-whites to have voted for ability over "special treatment" 57% to 29%.

The Gallup statement as published said that "Rarely is public opinion as united as it is over this question," saying that attitudes were similar region to region, among all age groups, and by education.

The published report was read in full.

In his discussion, Director Mickins noted that numerical quotas are never stressed by affirmative action proponents, who consistently call for goals to be set after establishment of evidence that past selective processes have resulted in an inequitable and disproportionate share of opportunities in employment and education.

He noted that the HRC has a long-standing policy position on this question, delineated in its Principles for Affirmative Action in Employment, adopted originally in 1973 and updated in 1977.

**** These Principles will be re-distributed to all members of the HRC and to other local, state, and national agencies.

Director Mickins is preparing a formal response to the Gallup Poll, and a copy of this response also was requested by the member of the HRC.

- AB 879 and SB 516 Status.

These State Legislature bills, discussed at the HRC regular meeting May 14, have been designated "two-year status" bills, and will be re-introduced into the 1982 Session. They seek among other things, to pre-empt the power of local jurisdictions to monitor publicly-funded contracts. The Board of Supervisors had adopted a Resolution May 11 opposing these two bills.

Commissioner Belli reported that she had testified in Sacramento at the legislative hearing on these bills, and urged that the HRC and other agencies maintain a close surveillance of their progress in the Legislature. Director Mickins said that the HRC had been informed only one day in advance of the Sacramento hearing. Commissioner Belli said there was a minimal presence in opposition during the hearing, which did include representation from the American Civil Liberties Union, the Gay-Lesbian Caucus, members of a disabled group of California Democratic Club spokespeople, and the Stonewall (Gay) Club.

STANDING COMMITTEES
POLICE LIAISON/SOCIAL ISSUES
Joan Zamora Moulton, Chairperson

- Proposed Resolution Opposing Closing San Francisco Public Health Service Hospital.

Copies of this proposed Resolution were provided in advance to all Commissioners and were also in their meeting packets.

The Reagan Administration proposes to close completely, by October, 1981, eight Public Health Service hospitals, including the San Francisco hospital. Closure possiblilities have cropped up from time to time in the past, but this time the announcement of the ending of its health services is emphatic. Hearings were held in April in the City by the House Merchant Marine and Fisheries Committee, which includes Representative John L. Burton of San Francisco. There was virtually unanimous local community opposition to the closure. Health authorities, legislators, and community advocacy groups including veterans and Native American Indians testified to the irreplaceable services offered by the San Francisco hospital.

More than 160,000 in and outpatients are served annually by the local hospital; it is engaged in 41 research projects; it provides all medical service and immunization for refugees from Southeast Asia; it provides historically-mandated health care to the Coast Guard, active and retired military personnel, and Native Americans; and it has been

established that the City's private hospitals and limited public service facilities would be quite unable to provide the needed health services for these and others.

Commissioner Weiner noted recent statements that the City has a large number of surplus hospital bed facilities, but it was stated by HRC staff that they are primarily in private hospitals, whose costs most of the clients of the Public Health Service Hospital could not afford.

It was

****m/s/c that the HRC adopt the Resolution Opposing Closing San Francisco Public Health Service Hospital. The full text is attached to these Minutes.

- Voting Rights Act of 1965 Extension-Recommended Opposition to H.R. 1407; Support for Voting Rights Act Extension in 1983; Reaffirmation of City Commitment to Multilingual Ballots.

The HRC's support of the Voting Rights Act of 1965, and particularly those portions of it which provide for multilingual ballots, registrars, and voting instructions, is stated in its December 4, 1975 Resolution Regarding the City's Commitment to Assist Language Minority Voters in Participating Fully in All City Elections. The HRC also has assisted the office of the Registrar of Voters in the past in the dissemination of multilingual voting information material and recruiting bilingual people to apply toserve as election workers.

The HRC has been in touch with the Multilingual Task Force as recently as last January, providing a quantity of background materials on its involvement in this area.

The HRC's encouragement of all efforts to facilitiate the active participation by all residents in the political process is, of course, fully documented.

The Voting Rights Act is being reviewed by the Congress in this Session, and, because it is due to expire in 1982, this a crucial time, "When it appears that many of the fragile gains made by minorities in the area of voting rights are seriously jeopardized."
One of the key provisions that faces opposition in Congress (Section 5) prevents local election officials from adopting election laws and redistricting plans that would discriminate against minority citizens in areas when Congress and U.S. courts have found that discrimination exists. This includes seven entire deep-South states, plus Alaska, and numerous counties in other Southern, Southwestern, and Northern states. The Voting Rights Act also requires bilingual elections and oral assistance for Spanish-speaking citizens in California (along with Texas, Colorado, New Mexico, Arizona, Florida, and New York; for Asian Americans in several counties; and for American Indians in many areas throughout the country.

Bilingual elections, which have taken place only since 1975, have encouraged many minority citizens to vote for the first time in their lives, the Committee agrees.

In Commission discussion of this agenda item, attention was directed to the subject of multilingual ballots, voter registrars, voter information, etc. locally. The discussion ranged beyond the voting assistance to the issue of the desire of residents with non or limited-English ability for bilingual education.

Commissioner Chung noted that Senator S.I. Hayakawa has introduced a constitutional amendment that would formally establish English as the official national language, and asked why he would do so. Commissioner Belli replied that she had been informed that the Senator's position is that the growth of the proportion of the population that is Hispanic and Spanish-speaking is so rapied, particularly in the Southwest and California, that he believes Spanish in time would become the majority language in those areas.

It was pointed out, when the discussion left bilingual education in the City and parent attitudes on this teaching for their children, that this was a three-part Committee recommendation·

1. Opposition to H.R. 1407, introduced by Representative Paul N. McCloskey, Jr., which would delete those parts of the Voting Rights Act of 1965 that allow local election officials to provide bilingual assistance in election.
2. Support for extension of the Voting Rights Act of 1965(which expires in 1982), and
3. Reaffirmation of the HRC's long-standing support for continuation in San Francisco of multilingual ballots, voter registrars, poll officials, and voter information and instruction material.

Commissioner Weiner stated his support for extension of the Voting Rights Act, but expressed "strong concerns" on the issue of multilingual ballots and other aspects as detailed in 3. above.

Commissioner Lee and Moulton expressed their strong support, and that of their communities, for inclusion of such provisions in the Voting Rights Act and as applied by San Francisco.

After more discussion, which would extend from multilingual voting to bilingual education, it was decided to vote separately on three Committee recommendations:

It was

*****m/s/c that the HRC oppose H.R. 1407, introduced by Rep. Paul N. McCloskey, Jr. Commissioner Weiner asked that his No vote be recorded.

It was

*****m/s/c that the HRC reaffirm its long-standing support for continuation in San Francisco of multilingual ballots, voter registrars, poll officials, and voter information and instruction material. Commissioner Weiner asked that his No vote be recorded.

It was

*****m/s/c, unanimously, that the HRC urge that The Congress renew the Voting Rights Act of 1965 with its language minority amendments intact in 1982.

- Commissioner Lee asked for a copy of these actionswhich he will translate into Chinese and distribute in his community.

- Commissioner Mezey suggested, joined by Commissioner Weiner, that there be scheduled for a future HRC agenda a presentation on the subject of multilingual ballots, bilingual education.

EMPLOYMENT
David K. Yamakawa Jr., Chairperson

- Revision of Employment Goals for Women in HRC's Affirmative Action Program for Construction Contracts - Stanley Lim, HRC Contract Compliance Coordinator.

The Employment Committee on May 7 voted to recommend to the HRC approval of a staff recommendation to amend the current employment goals for women's participation in the construction trades from 15% - 18% for apprentices only to 7% - 9% for all crafts at all levels.

This is the result of the Committee's request that the HRC staff conduct a review on the feasibility of modifying the employment goals for women when a construction employment report was presented to both the Committee and the HRC in February.

Background

For the past five years, the HRC has imposed a series of employment goals requiring contractors to employ women as apprentices. It was based on the concept that for women, like most ethnic minority groups years ago, the only entry into the trades is through apprenticeship. The goals were set according to "...current and projected availability, current and projected participation, and need for stimulating increases in both the availability and participation of women in apprenticeship." Another criterion was that the goals be "meaningful" and "measurable". Thus, a series of year-by-year progressive goals were established:

	1976	1977	1978	1979 (and thereafter)
Women Appr.	7% - 10%	10% - 12%	12% - 15%	15% - 18%

(Prior to 1976, contractors were required to submit "voluntary" goals.)

Affirmative Action Results

While these goals worked well in some trades, women still generally find it difficult to enter the construction industry. Below is a composite table, based on previous HRC reports, illustrating the level of women's participation over the years.

	1975	1976	1978	1979	1980
Women Apprentices	1.3%	1.6%	3.9%	5.9%	9.7%
Women at All Levels	0.1%	0.4%	1.4%	1.1%	3.1%

When measuring the participation of women at all levels (including foreman and journeypersons) and all trades, the ratio appeared much lower. But the steady increase of women apprentices now sets the stage for the next development -- promote them to journey person level and beyond. The new goals tend to encourage that process.

New HRC Goals and Comparative Data

The Proposed hiring goals for women of 7% - 9% take into consideration the empirical data above as well as current and projected availability and other elements used in developing the previous apprenticeship goals for women. These goals are intended to increase participation of women and to insure their continuing employment once they have completed their apprenticeship. With the expanded availability through women's support groups, the new goals are realistic and attainable. In comparison with women's goals established by other governmental agencies, the HRC goals do not seem excessive, Mr. Lim said.

Mr. Lim gave a brief description of other programs with goals for women currently in operation:'

1. Office of Federal Contract Compliance Programs (OFCCP)--Established in March, 1978, national goals for female utilization in all trades on aggregate basis (whether or not part of the contractor's work force is performing work on a federal contract).

4/78 - 3/79	4/79 - 3/80	4/80 - 3/81 (and thereafter)
3.1%	5.1%	6.9%

2. State of California Plan -- Developed by the Division of Apprenticeship Standards in October, 1978, flexible goals for women apprenticeship participation in each craft based on 50% of each county's female working population. For San Francisco County, the current apprenticeship goal is 22.1%, a figure derived from the 1977 female work force population of 44.3%.

As to the results or attainment of these goals, there are no statistics available for examination from either agency.

Mr. Lim accompanied his presentation with the written report first presented to the Employment Committee (largely duplicated in the above account), and he referred frequently to the Human Rights Commission-Affirmative Action Program - For Construction Contracts document revised last in November of 1980.

Mr. Lim noted that establishment of the new goals for women in all trades had been with the input of such groups as Women in Apprenticeship, the Apprenticeship Opportunities Foundation, and Women Organized for Employment, plus the analysis of statistics developed from previous years.

In ensuing discussion among Commissioners, Mr. Lim noted that the effect of the new HRC construction goals for women in all trades of from 7 to 9% would be to nearly double the former apprenticeship goal of 15 to 18%. This was confirmed by Ms. Richie Gore, Job Developer-Outreach Worker, Women in Apprenticeship Program Inc., who stated in addition that these new goals will give contractors a new and wider option on hiring, rather than restricting them only to apprentices."

It was

*****m/s/c that the HRC accept and adopt the Revised Employment Goals for Women in Construction Contracts - HRC Affirmative Action Program.

- Progress Report on Pier 39 Agreement - Edward Vurek, HRC Contract Compliance Officer.

Mr. Vurek prefaced his Progress Report with a brief resume of the background on the signing, in June, 1980, of the Affirmative Action Agreement between the HRC and North Point Center, Inc. (Pier 39). The term of the Agreement is from July 1, 1980, through June 30, 1983, and it is subject to re-negotiation and monitoring of its various components.

The HRC work with Pier 39 began soon after the announcement in 1977 of the proposed Embarcadero waterfront complex of commerical shops and restaurants, strongly tourist-oriented, by Warren Simmons. The 60-year lease on the waterfront land, publically-owned, was granted Mr. Simmons and his associates by the Port Commission and approved by the Board of Supervisors. The HRC found great difficulty in its early contacts with this undertaking in getting a response on its effort to set up its mandated affirmative action authority over construction contracts on City property. Because Pier 39 management failed to cooperate with the HRC over a long period of time, during which the construction phase went ahead, Mr. Lim filed a formal complaint of noncompliance, and HRC Director Mickins issued a Finding of Noncompliance by Pier 39 with Chapter 12B of the Administrative Code. There followed a series of meetings to resolve issues caused by the Finding, which had been formally appealed by Pier 39, Inc., (which became North Point Center, Inc., eventually after a number of name-changes.)

Following, verbatim, is Mr. Vurek's Progress Report.

Since the construction was long since completed, the agreement concerned itself with establishing affirmative action procedures in the operation of Pier 39, and creating some sort of remedy for the violation.

The agreement concerned, primarily:

1) goals for overall minority workforce,
2) goals for minorities and women at supervisory levels,
3) MBE goals for future construction,
4) a monetary amount to be spent "to further the objectives of affirmative action" in the agreement,
5) MBE/WBE goals for suppliers to Pier 39.

The first report in January, 1981, concerned steps taken to implement the agreement and included an overall employment report. This report update to the HRC the employment report, including the level of minorities and women at supervisory levels, and discussed plans for the use of the monetary settlement in a summer training component.

At the time the agreement was signed (June, 1980) minority workforce was approximately 45%. By January, 1981, the minority workforce had increased to 51.2%. There was concern that lay-offs after the holidays might have an adverse effect on minority employment. However, business levels seem to have been very good at Pier 39, as the current report indicates a decrease of only 7 employees overall, 325, down to 318. During this period the minority workforce increased to 57.5%.

The various work areas included in the employment report are:

1) Restaurants
2) Executive and Accounting
3) Marina
4) Galley (Supplies)
5) Blue and Gold Fleet
6) Security and Maintenance
7) Landscaping
8) Children's Area (Games and Rides)
9) Marketing
10) Construction

At the supervisory levels there are 44 total employees. Of these 15 are minority (34.1%) and 10 are women (22.7%). Three of the ten women are minorities.

Representatives of Pier 39 and HRC staff discussed possible uses of the monetary settlement in the agreement. It was decided that a summer training program would be a proposal worth studying. Representatives of two community organizations indicating interest, Youth for Service and Horizons Unlimited, were referred to Pier 39. Agreement was reached that the two organizations would recruit and screen 30 trainees for a summer program. The training will involve the general introduction to retailing work--public contact, handling money, inventory of supplies, office work--the tasks usually associated with the type of business done at Pier 39. It is hoped that trainees indicating interest in the type of work can be kept on either part-time or eventually full-time, after summer, when many employees may leave. Success for this program could make it a regular summer operation at Pier 39.

During the past few weeks, North Point Center, Inc., has been negotiating with a Texas-based firm for the sale of Pier 39. The sale has not yet been finalized, but appears to be inevitable. The HRC has met once with the prospective buyers and they seem to be committed to honoring the agreement. It isn't known if the current managers of the Pier will stay on, or be replaced. It would certainly be to the HRC's advantage, as a satisfactory working relationship has been established. It would also probably be more likely that the current managers would continue a successful summer training program.

The next report to the HRC will concern the resolutions of these issues, employment updates, results of the summer training program and plans for MBE/WBE implementation.

North Point, Inc. Workforce (February 28, 1981)

Unit	Total	Minority	
Restaurants	126	87	(69%)
Exec. & Acct.	13	1	(7.7%)
Marina	9	3	(33%)
Galley	7	6	(85.7%)
Blue & Gold Fleet	28	5	(17.8)
Security & Maint.	43	20	(46.5)
Landscaping	5	1	(20%)
Game's	78	60	(76.9%)
Marketing	6	0	
Construction	3	0	
TOTAL	318	183	(57.5%)
Black	43		(13.5%)
Hispanic	91		(28.6%)
Asian	25		(7.9%)
Filipino	18		(5.6%)
Other Non White	5		(1.6%)
Native American Indian	1		(0.3)

Supervisory Staff (March 31, 1981)

TOTAL	M	F		Black M	Black F	Hispanic M	Hispanic F	Filipino M	Filipino F	Asian M	Asian F	ONW M	ONW F	TOTAL Minority
44	34	10	(22.7)	6	0	3	1	1	1	1	1	1	1	15 (34.1%)

Mr. Vurek noted that in the original agreement discussions there had been provision also for MBE goals for future construction which was to include a small park and storage building. The latter work has not yet started, but the goals remain in the agreement covering it.

It was

*****m/s/c that the HRC accept the Progress Report on Pier 39 Agreement.

- Both Mr. Vurek and Mr. Lim were complimented by the HRC for the excellence of their reports.

GAY ADVISORY
Phyllis Lyon, Chairperson

- Resolution on Affirmative Action Proposed for Action by the Board of Supervisors.

This document had been prepared by the Friends of the Human Rights Commission, and was recommended for passage by the HRC, to be submitted to the Board of Supervisors with the recommendation that that body adopt it.

It was

*****m/s/c that the HRC adopt the Resolution on Affirmative Action for Adoption by the Board of Supervisors. A full copy is attached to these Minutes.

YOUTH AND EDUCATION
Sister Bernadette Giles, Chairperson

- Committee Report.

Edgar Lahl, of the San Francisco Unified School District Property Management Office, at the last Committee meeting discussed the programs and policies of the District in implementing "educationally effective and economically efficient utilization" of school facilities. The Board of Education has closed thirty schools and has engaged in an active program of leasing and/or selling surplus school property.

A Citizens Reviewed Committee, chaired by Robert Vasquez, issued a report April 16, 1981, establishing a set of goals, policies, and criteria for use in the examination of the Superintendent of Schools' recommendations under four task force groups: building utilization, bilingual, special education, and school operations.

A major goal has been to provide parents with increased opportunities for choices of programs or special-interest schools. Commissioner Giles detailed some of the points made by the Citizens Review Committee, which adopted eleven major goals, and eight major criteria, focusing on such aspects as the maintenance of top-quality, integrated education, maintaining existing successful educational programs, more efficient use of space, etc.

Commissioner Giles described the announced intention of the SFUSD to open Anza school as a "traditional-style" high school. George Washington High School area students would have first priority on admission. There will be no entrance examination for admission. The school would start with 300 students. Students and parents are to sign a memorandum of understanding that there will not be an ambitious sports, music, or art program component of the curriculum, that there will be homework assigned, that there will be a dress code for both students and faculty, etc.

= HRC Commendation of Dr. George Karonsky.

Commissioner Giles read in full a formal Commendation to Dr. George Karonsky, retiring as Coordinator, Instructional Support Services, San Francisco Unified School District. The Commendation will be read by Commissioner Weiner at a testimonial banquet to be given in Dr. Karonsky's honor Thursday, June 4, at the Palace Hotel. The full text is attached to these Minutes.

It was

*****m/s/c that the HRC adopt this Commendation. The full text is attached to these Minutes.

NEW MATTERS

- Commissioner Moulton announced that she has resigned from Superintendent of Public Instruction Wilson Riles' Mexican-American Commission on Education and has been replaced by Diane Verdugo.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, June 11, 1981 at 9:15 AM in the Third Floor Commission Room of the Main Library.

STANDING COMMITTEES

Employment	Thursday, June 4, 1981 9:30 AM 870 Market Room 920
Gay Advisory	Tuesday, June 2, 1981 Noon 870 Market Room 920
Housing & Urban Development	To be announced
Police Liaison/ Social Issues	Tuesday, June 23, 1981 3:30 PM HRC Offices Room 509
Youth & Education	Monday, June 1, 1981 3:30 PM John Adams Community College Center 1860 Hayes Street Room 136

No Remarks from the Audience

Adjournment

Respectfully submitted

Grant S. Mickins III
via Jack Casford

GSM:JC:sa
6/5/81

City and County of San Francisco

HUMAN RIGHTS COMMISSION
Office of Contract Compliance
Office of Dispute Resolution

Attachment #1

RESOLUTION OPPOSING CLOSING SAN FRANCISCO PUBLIC HEALTH SERVICE HOSPITAL

WHEREAS, the San Francisco Public Health Service Hospital is one of eight Public Health Service hospitals in the nation the Reagan Administration has proposed be closed down October 1; and

WHEREAS, the San Francisco hospital provides unique and valuable health treatment and research services to this City; and

WHEREAS, support for retention of the San Francisco hospital is virtually unanimous among community organizations, unions, and local, State and national legislators from San Francisco; and

WHEREAS, the San Francisco hosptial logged 155,000 outpatient visits in 1980, and is engaged in 41 research projects; and

WHEREAS, the San Francisco hospital provides continuing medical examinations and immunization for refugees from Southeast Asia (more than 7,000 in the past three years); and

WHEREAS, the hospital provides acute backup services for "boat people" housed at Hamilton Air Force Base; and

WHEREAS, the hospital continues to provide historically-mandated health care to the Coast Guard, active and retired military personnel, and Native Americans; and

WHEREAS, recent hearings in San Francisco by the House Merchant Marine and Fisheries Committee brought out that there is no way the City could absorb the cost of handling the patients who would become private and public hospital responsibilities should the San Francisco hospital be shut down;

NOW, THEREFORE, BE IT RESOLVED, that the San Francisco Human Rights Commission formally oppose the closing of the San Francisco Public Health Service Hospital, and urge that its operating budget be continued as a health service priority.

Resolution 2-81

Adopted by the HRC 5/28/81

JC;sa;bclp
6/4/81

CITY AND COUNTY OF SAN FRANCISCO

HUMAN RIGHTS COMMISSION
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION OF AFFIRMATIVE ACTION
RECOMMENDED BY THE HUMAN RIGHTS COMMISSION
FOR ADOPTION BY THE BOARD OF SUPERVISORS

Attachment #2

WHEREAS, existing legal protection against discrimination in employment, housing, and public accomodations serves the legitimate interests of the people; and

WHEREAS, a significant reduction in this protection jeopardizes the rights of minorities and women and undermines the public welfare; and

WHEREAS, the Board of Supervisors enacted Chapters 12A, 12B and 12C of the San Francisco Administrative Code, and Article 33 of the Police Code, in addition to other ordinances, to provide recourse to its citizens against arbitrary discrimination; and

WHEREAS, the Board of Supervisors and the Mayor have conscientiously exercised the power of the local Charter to ensure that public monies and contracts have been fairly divided to enhance employment opportunities for all persons who seek to enjoy these benefits.

THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the City and County of San Francisco reaffirm its support of affirmative action and equal opportunity and reiterate its support of the ordinances it has already passed; and

BE IT FURTHER RESOLVED, that the Board is committed to retaining local control of its contract and police power for the protection of the rights of minorities, women, the elderly and disabled; and

BE IT STILL FURTHER RESOLVED, that the Board of Supervisors does hereby oppose legislative attempts to pre-empt local jurisdiction and to dilute affirmative action as inimical to the interests of the people of the City and County of San Francisco.

- Adopted by the Friends of the HRC 5/27/81.
- Adopted by the HRC 5/28/81.

sa
6/4/81

HUMAN RIGHTS COMMISSION OF SAN FRANCISCO

COMMENDATION TO DR. GEORGE KARONSKY

Attachment #3

WHEREAS, Dr. George Karonsky during his thirty-three years of service in the San Francisco Unified School District identified with the goals of the Human Rights Commission in working to provide Quality/Equality education for all children in San Francisco; and

WHEREAS, Dr. George Karonsky loyally supported the implementation of the School District's policies aimed to promote the goals of Quality/Equality education; and

WHEREAS, Dr. George Karonsky as a specialist incurriculum development worked effectively to promote positive relationships among the divergent racial and ethnic minorites which enrich the City of San Francisco; and

WHEREAS, Dr. George Karonsky in the multiple roles he played as an administrator exhibited a sensitivity to and appreciation of the values the found in the minority communities which he served;

NOW, THEREFORE, BE IT RESOLVED That the Human Rights Commission of San Francisco congratulate Dr. George Karonsky on his many years of service to the youth of the city and commend him for his gentleness, his wisdom, his humanity, and above all his unselfish dedication to the ideals of public education which guarantee equal opportunity for all children for Quality/Equality education.

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, June 10, 1981
Commission Room, Main Library

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*                                    *
*           NEXT MEETING             *
*                                    *
*  Date:  Thursday, June 25, 1981    *
*  Time:  10:15 AM                   *
*  Place: Third Floor Commission Room *
*         Main Library  Civic Center *
*                                    *
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NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

ROLL CALL

Commissioners

Present: Phyllis Lyon (presiding), Samuel Chung, Sister Bernadette Giles, Robert D. Edwards, Pius Lee, Caryl Mezey, Clemente Obregón, Richard Sevilla, Rabbi Martin S. Weiner, David Yamakawa.

Excused: Lia Belli, Antonio Grafilo, John C. Morrissey, Joan Zamora Moulton, Brenda K. Wade.

Staff

Present: Grant Mickins, Jack Casford, Stanley Lim, Joe Meza, Vicky Rathbone, Gail Roberts, Essie Thomas.

Pledge of Allegiance

Minutes of May 28, 1981 approved.

COMMUNICATIONS

- To Hans Wachsmuth, Jr., Vice President, Williams & Burrows/Continental Heller, A Joint Venture, notice on May 22, 1981 of the Director's Determination regarding H.P. Lopez Company that Lopez does not meet the requirements of a bona fide Minority Business Enterprise subcontractor as outlined under the HRC Affirmative Action Program. This letter was read in full by Director Mickins. Staff review of the H.P. Lopez Company status had been at the request of Commissioner Weiner. The HRC requested that the Joint Venture companies remedy the MBE deficiency in their contract bid. A written response was received from the company saying it was in the process of increasing its MBE obligation.

- From James H. Johnson, Director, Mayor's Office of Community Development, acknowledging receipt of the HRC proposal request under the 1982 Community Development Block Grant funds. This letter was read in full. The OCD and the Citizens Committee on Community Development review all proposals. A Preliminary Program is due in July for public review.

Director Mickins reported that the HRC Fair Housing Project staff has sat in on a review of the HRC proposal, and the OCD indicated its satisfaction with past performance under the grant which is based on the expanded responsibilities and will review the HRC's larger request for 1982 requested by O.C.D.

- A copy of the Mayor's June 1 14-page letter in detail to Board of Supervisors President John L. Molinari on her budget recommendations for 1981-1982. The HRC is shown as continuing to have 12 funded permanent positions, as it did in 1980-1981.

- From Thomas K. Yerkes, Director, Administration & Finance, Port of San Francisco, acknowledging the HRC's request for additional funding (for contract compliance services for Port contracts). This letter was read in full. The Port position was that a $21,700 payment shown on its budget as allocated for HRC services was sufficient, but Mr. Mickins had pointed out to the Port that that money goes into the City General Fund, and is not transferred to the HRC budget. Mr. Mickins stated that the indirect charge to the General Fund could not be translated into direct HRC funds until the 1982-83 Fiscal year.

DIRECTOR'S REPORT

1. HRC Budget Hearing.

As announced earlier, the HRC budget will be heard before the Joint Finance/Community Services Committee at 1PM Wednesday, June 24, in Room 228 of City Hall.

It was announced that the Commission on the Aging, which earlier had authorized funding to the HRC from its budget for contract compliance services, had learned at its hearing before the Joint Finance/Community Services Committee, that the Budget Analyst's Office had recommended that this payment not be made. After a great deal of staff and Commissioners' work by the HRC, the Joint Finance/Community Services rejected the Budget Analyst's recommendation and retained the Commission on the Aging funding allocation of $23,500 to the HRC.

- Intergroup Clearinghouse.

The Steering Committee met June 10 at the Jewish Community Relations Council and accepted the recommendation of its Personnel Selection Committee that Ms. Sara Wilson Williams be hired for six months as staff for the group. Ms. Williams will have the Civil Service classification of 2996-Human Relations Representative. Ms. Williams was one of seven highly-qualified candidates for the position, and her work will include active funding resource planning.

- California Association of Human Rights Organizations Conference (CAHRO) at Asilomar May 28, 29, 30.

Mr. Mickins attended this conference and participated in one of the panel discussion, giving a description of the work of the Intergroup Clearinghouse. He reported that a great deal of attention (particularly in large urban areas) is being given by CAHRO members to working on intergroup tensions, as evidenced by increasing public activities of the Ku Klux Klan and Nazi-type organizations. He noted that the Intergroup Clearinghouse has an Anti-Hate Group Subcommittee studying extremist group activity in the Bay Area.

- AB 1166.

This State Assembly measure supplants last year's AB2549, which would have provided state funding for local human rights/relations commissions. AB 2549 died in the State Senate Finance Committee in the 1980 Sessions.

*****It was unanimously agreed that the HRC reiterate its support of the principle of AB 2549, and support formally AB 1166, which this time contains a specific reference to financial support for the Commission on the Status of Women. AB 1166 presently is before the Assembly Ways and Means Committee.

- F.P. Lathrop Construction Company Hearing Date.

This construction firm filed a Notice of Appeal of a Director's Finding of Noncompliance (October 31, 1980) in November of 1980. The Finding pertains to Airport Contract #1100, Boarding Area "E", a contract of nearly $12 million.

- The hearing by the HRC was set tentatively for Monday June 29, 1981 at 10AM in the Commission Room of the Main Library.

- Police Brutality Charges/Civilian Review Board Issue.

Mr. Mickins reviewed the background of this issue, which began May 29 with publication in local daily newspapers of details of a confidential report to the Mayor prepared by an aide in the Citizens' Assistance Center in City Hall, and made available to the press by Supervisor Harry Britt. The report allege instances of witnessed brutality by members of the San Francisco Police Department, and criticizes the operation of the Police Department's Internal Affairs Bureau. A member of the Police Commission, formerly a member of the HRC staff, was quoted as proposing that the Human Rights Commission be used an "alternative location" for civilian complaints to be processed.

Supervisor Britt on Monday June 8 introduced at the Board of Supervisors a proposal that would create a team of civilian investigators to look into complaints against the Police Department.

The Mayor wrote the Board of Supervisors individually June 4 urging that they defeat the Britt proposal, which was based largely on the 1976 recommendations of the San Francisco Bar Association called "Proposed Citizens' Complaint Procedures for the San Francisco Police Commission." The proposal, which was discussed by a Bar Association representative, Tom Gee at the HRC on August 12, 1976, was endorsed by the HRC at that time. It called primarily for investigations to be carried out by professional, civilian investigators hired through the Civil Service Commission and non-members of the Police Department.

*****Commissioners requested copies of the Mayor's letter of June 4 to the Board of Supervisors.

The Mayor's June 4 letter noted that one point under consideration was that there be an alternate location (other than the Hall of Justice) where citizens could formally register their complaints regarding Police Department actions or personnel.

Mr. Mickins read portions of the Mayor's letter, which said, among other things, that the Police Commission has "agreed to hold special meetings monthly exclusively to review each and every case pending with the Police Internal Affairs Bureau," and said it"had agreed to arrange for an alterate place, outside the Hall of Justice, most likely at the Human Rights Commission, where civilians can make complaints directly to an investigator with the Internal Affiars Bureau."

Commissioner Lyon stressed that the proposal of Supervisor Britt does not call for a civilian review board but for establishment of an Office for Citizen Investigation. Sections of the Britt proposal of June 8 were read by Mr. Mickins.

Mr. Mickins reported that Chief of Police Cornelius Murphy had contacted him regarding the HRC's office space availability as the alternate site for civilian complaint processing outside the Hall of Justice. The Chief was told by Mr. Mickins, after a survey of the HRC office space, that it would have some available for this kind of confidential interviewing, but that the Director had some other concerns about the matter which required further discussions. A subsequent meeting with the Chief was scheduled for the afternoon of this June 11 meeting.

Vice-Chairperson Lyon (Chairperson Morrissey is on vacation) and Director Mickins have had a preliminary discussion on the subject, he reported.

*****Mr. Mickins announced that the Administrative Committee of the HRC will meet the week of June 15-19 to discuss all relevant material on this issue.

It was noted by several Commissioners that the HRC has taken action on this issue in the past: In September 21, 1974, it (through the Police Liaison Committee) made eleven specific recommendations to the Internal Affairs Bureau, and the responses of the IAB were published in its Minutes of that date and the full report/recommendations sent to the IAB.

On August 12, 1976, the HRC, as noted above, endorsed the San Francisco Bar Association's "Proposed Citizens' Complaint Procedures for the San Francisco Police Commission" document.

Mr. Mickins also noted that the HRC's Police Liaison Committee, chaired by then-Commissioner Earl Raab, in the early 70's worked very closely with the Chiefs of Police of the time (Nelder, Gain) and made informal and other recommendations for relief of tensions arising from various Police Department policies in the operation of the Internal Affairs Bureau.

Details of the Bar Association proposal were discussed by various Commissioners.

- HRC staff was asked to research the HRC files and Minutes to determine the history of HRC positions on this subject.

It was

*****m/(Commissioner Yamakawa) s/c/ that the matter be referred to the Administrative Committee to form and recommend an HRC position on this matter (to serve as alternate site for location of a citizen complaint-processing investigator's office) but that if the Vice-Chairperson and Director feel that an HRC position is essential before the next regular meeting of the HRC (scheduled for June 25), the Administrative Committee-recommended position be considered the definitive and official one for the HRC.

Mr. Mickins announced that the Police Commission has requested that the Chief conduct an investigation not only of the original Citizens Assistance Bureau aide's report on alleged Police brutality cases, but also has announced a full Commission review/hearing on June 24.

- The Director stated that all Commissioners are invited to the Administrative Committee meetings and will be notified in particular of the next meeting on this subject.

- Commissioner Weiner suggested that the HRC might, on an experimental basis, be considered an alternate site for complaint-filing by citizens, as a step, even on a tentative basis, towards resolving some of the strong feelings on this subject.

- Gallup Poll on Affirmative Action

On May 21, 1981, the San Francisco Chronicle printed an article under the by-line of George Gallup, Copyright 1981 Field Enterprises Inc., giving the result of a poll based on interviews with 1,549 adults from December 5 to 8 in 300 locations in the country. This poll was referred to by Mr. Mickins at theHRC meeting of May 28,1981.

The question asked was:

"Some people say that to make up for past discrimination, women and members of minority groups should be given preferential treatment in getting jobs and places in college. Others say that ability, as determined by test scores, should be the main consideration. Which point of view comes closest to how do you feel in the subject?"

The results were summarized as: 10% believed in preferential treatment.
83% believed in ability.
7% had no opinion.

Director Mickins porvided Commissioners copies of his response to Mr. Gallup in a letter sent June 10. He included a copy of the HRC's Principles of Affirmative Action in Employment first adopted in 1973. Attached to these Minutes is a copy of Mr. Mickins' letter and the Gallup Poll results as published. Copies of the letter are to be sent to all City departments and to the San Francisco Chronicle and Examiner, and to other national newspapers and civil rights organizations.

STANDING COMMITTEES
YOUTH AND EDUCATION
Sister Bernadette Giles, Chairperson

- Community Education and the New Programs of the Sunset Community Education Center.

Mr. Edward Gendason, Director of the Center, was the guest of the Committee at its June 1 meeting. The Center, stated in 1974, which serves the residents of the Sunset District, is funded by the Chevron companies, and has no federal or state support. The San Francisco Unified School District provides space at A.P. Gianni Middle School, From 1976, when it served 5,000 residents of the Sunset, it grew, in 1980, to a service complement of up to 44,000 residents. Twenty-eight different classes are held, and programs are provided for seniors and youth, with a lunch program, and a summer recreational program.

EMPLOYMENT
David K. Yamakawa, Jr.

- Two Subcommittees

The Committee has named two subcommittees to work on aspects of the HRC's Affirmative Action programs.

1. The Subcommittees to revise the HRC's Affirmative Action Program in Construction will make recommendations to the HRC, which will be asked to approve them for inclusion in the next annual revision in the next annual revision of the entrie program. The Chairperson is Barbara Thomson, of the Mission Hiring Hall. Staff is Stanley Lim of the HRC staff.

2. The Subcommittee to develop Affirmative Action on Guidelines for the Disabled will cover data-gathering, employment resources, goals or alternatives to goals by outreach, and reasonable accommodation.

The Chairperson is Pat Taber, of the Bank of America, and staffing will be Mary Gin Starkweather of the HRC staff.

- Bid Protest of Huber, Hunt, and Nichols vs. Williams & Burrows, Inc.

Three members of the HRC made recommendations asking that the Employment follow up as a result of the March 12, 1981 HRC hearing on a bid protest by Huber, Hunt, & Nichols based on allegations of noncompliance with the HRC minority business enterprise (MBE) requirements by Williams & Burrows.

At that time, the HRC held that Williams & Burrows' MBE obligation was fulfilled by its subcontractor.

Commissioner Stephen Stratton (who resigned from the HRC in April) recommended that Commissioners received complete packets of information, including all documentation, on bid protests prior to any hearings. It was agreed, by the Committee, that the burden should not rest solely on the protesting parties to provide the HRC with information.

On recommendation of the Employment Committee, it was

******m/s/c that the HRC adopt his recommendaton for this procedure

Commissioner Samule H. Chung had recommended that the HRC staff analyze the four lowest bidders on all contracts prior to making recommendations on their qualifications. The Committee, Commissioner Yamakawa said, felt that such a procedure would be too burdensome on the HRC staff and that it would serve little purpose, as the HRC's recommendation normally is followed in contract awards.

The Committee, therefore, recommended that Commissioner Chung's recommendation not be adopted. The Commissioner expressed regret that his recommendation had not been adopted, saying that he had intended that there be a listing of the four lowest bidders, not an in-depth analysis.

Commissioner Mezey suggested that Commissioners would be aided in preparing for appeal hearings if they had the fuller information that Commissioner Chung had called for.

Stanley Lim, HRC Contract Compliance Coordinator, said that Commissioner Mezey's concerns could be covered by the Stratton recommendation as already adopted. He explained staff procedures in reviewing low and next-low-bidders, and the extensive paperwork required of all bidders.

Commissioner Clemente Obregon has recommended that Commissioners and staff jointly review all low bids on construction contracts if there are any problems with affirmative action compliance, prior to making recommendations on their qualifications.

Commissioner Yamakawa said that the Obregon recommendation had both disadvantages and advantages, on the one hand requireing a great deal of meeting and preparation jointly between staff and Commissioners, and on the other perhaps enhancing the careful review of contract bids before award recommendations were made.

After consideration of these and other factors, the Committee motion to recommend adoption by the HRC failed for lack of a second.

- Commissioner Weiner introduced the subject of the HRC's not having its own counsel in, for example, the March 12 hearing on the Huber, Hunt & Nichols bid protest, and expressed his personal feeling that the HRC does need expert advice legally, especially in formal appeals hearings. He suggested that the HRC could benefit from having independant advice on the interpretation, for example, of rules and regulations and their applicability in a given situation.

Commissioner Mezey noted that in the recent past the HRC had been appreciative of the expert pro bono expertise of Allan Joseph, a private attorney in the City.

Director Mickins also commented in this need for expert legal advice on various points. It was said that the resources of the City Attorney's Office (which acts as counsel to the HRC) had been a limiting factor in this area.

It was

******m/ (Commissioner Mezey) s/c that the Administrative Committee prepare a recommendation policy on the use of pro bono legal services (from the community) to assist the HRC members and/orstaff when necessary.

GAY ADVISORY

- Committee Report cancelled.

NO NEW MATTERS

- Commissioner were minded to submit photographs for inclusion in the HRC fiscal year annual report.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, June 25, 1981 at 10:15 AM in the Third Floor Commission Room of the Main Library.

STANDING COMMITTEES

Employment	Thursday, July 2, 1981 9:30 AM 870 Market Room 920
Gay Advisory	Tuesday, July 7, 1981 Noon 870 Market Room 920
Housing and Urban Development	To be announced.
Police Liaison/ Social Issues	Tuesday, June 23, 1981 3:30 HRC offices, Room 509
Youth and Education	To be announced.

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S, Mickins
via Jack Casford

GSM:JC:sa:bclp

* NEXT MEETING

CITY AND COUNTY OF SAN FRANCISCO

M E M O R A N D U M

From the Office of the
HUMAN RIGHTS COMMISSION

1095 Market Street #501
San Francisco 94103
558-4901

To: All City Departments, Boards and Commissions
Office of the Mayor

Date: June 17, 1981

From: Grant S. Mickins, Director

Attached is a copy of a letter with attachments sent June 10, 1981 to George Gallup of the Gallup poll in response to the appearance in the San Francisco Chronicle on May 21, 1981 of the reported results of a Poll taken in December, 1980. My letter is provided for your information, comment, and reaction on a subject of long-standing vital importance to all citizens of the City and all City officials. I welcome your attention to my remarks.

SF:gm
Attachment

* NEXT MEETING

City and County of San Francisco

Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution

June 10, 1981

Mr. George Gallup
Gallup Organization
53 Bank Street
Princeton, New Jersey 08540

Dear Mr. Gallup:

On May 21, 1981 the syndicated and copyrighted results of your Affirmative Action Poll, published in the San Francisco Chronicle under the banner "PREFERENTIAL JOB HIRING OPPOSED" created waves of shock and dismay among many Civil Rights and Human Rights supporters in this region, and possibly the nation. Perhaps the feelings of outrage are predicated on two reasons: One: the surprise that an opinion firm with years of experience and credentials of the Gallup Poll would commission such a study; and two: concern for the careless or willful lack of care in the design and dissemination of the survey question as to deliberately induce false assumptions and responses. The question asked was published as stating:

> "Some people say that to make up for past discrimination, women and members of minority groups should be given preferential treatment in getting jobs and places in college. Others say that ability, as determined by test scores, should be the main consideration. Which point of view comes closest to how you feel on the subject?"

Apart from the fact that the inquiry dictates the answer in the formulation of the foregoing question, it could not be asked in the context as designed without arousing sexist, racial and ethnic hostilities, and animosity. The above is true because the question necessarily infers that race/sex and ability are two mutually exclusive principles, i.e., one is either Black or he has ability; he can't have both. Because the questions as posed raises so many complex and technical issues, it would not be fruitful to attempt to address each of them in this letter. However, I have enclosed a standard Policy publication of this seventeen-year-old Commission entitled, "PRINCIPLES FOR AFFIRMATIVE ACTION IN EMPLOYMENT," which I commend to you and your senior management to read, digest, and, hopefully, use for future references in surveys of this nature.

I would nonetheless like to address the threshold question raised in the survey regarding "preferential treatment" vs. "ability."

- over -

* NEXT MEETING

"Because of the effects of long-term conditions of discrimination and exclusion, mere non discrimination will not create conditions of equal opportunity. The purpose of affirmative action is to promote, by specific measures, genuine conditions of equal opportunity during the lifetime of the present generation....." (See P. 2 Principles in Affirmative Action)

There is, to my knowledge, (nor have I become aware since the 1964 passage of the Civil Rights Act) no existing voluntary affirmative action program advocating "preferential treatment" for minorities or women. Voluntary affirmative action programs represent ninety percent of all affirmative action programs. The basic elements of voluntary affirmative action emphasize rigorous recruitment, training, testing and selection, job analysis, use of measurement and accountability to determine change, utilizing goals as opposed to quotas to reach and achieve an identifiable level, and exploring avenues for upgrading and promoting, where justifiable, to prevent deadening opportunities and careers.

In addition, the survey reference to "test" incorrectly posed the question as "test vs. no test," instead of "job-related test" vs. "non job-related test."

Finally, all voluntary Affirmative Action Programs are generally "goal oriented" rather than "quota oriented." In general, quota programs have been permissible only in cases where a Court has determined after a trial or hearing on the evidence, that past discrimination has been proven beyond a reasonable doubt and has fashioned a limited remedy to address a proven wrong. In other words, they are Court-ordered, Court consent decrees, or pre-Court settlement cases.

In closing, I would hope that the Gallup Poll would realize the delicate and substantive responsibility it has to the advocates of human rights for minorities and women, and those who may feel the movement has progressed too far, to guard against incitement of racial and ethnic intergroup tensions and hostilities, the proliferation of which poses a substantial threat to us all.

Thank you for taking the time to read this letter and I would appreciate a response in reference to your reaction to the enclosed document, "PRINCIPLES FOR AFFIRMATIVE ACTION IN EMPLOYMENT."

Sincerely,

Grant S. Mickins
Director

GSM:gm
Enclosures

SF Chronicle - Letters to Editor
SF Examiner
HRC Commissioners

NEXT MEETING

8 San Francisco Chronicle * Thurs., May 21, 1981

Gallup Poll

Preferential Job Hiring Opposed

By George Gallup

Princeton, N.J.

Ability, and not preferential treatment, should be the basic criterion for placement in jobs and colleges, according to a large majority of Americans — including people of all races and both sexes.

Preferential treatment for women and minorities to compensate for past discrimination was favored by 10 percent of the public in the poll, while ability, as determined by test scores, was the choice of 83 percent.

The principle of affirmative action — called by its critics "reverse discrimination" — gained new currency this month when Republican Senator Orrin Hatch of Utah opened subcommittee hearings on a constitutional amendment that would forbid the federal government from making distinctions for race, color or national origin.

Among women and non-whites, the groups most directly affected by affirmative action, the results were conclusive. Women chose ability over reparative preference, 82 percent to 11 percent. Non-whites voted for ability over special treatment, 57 percent to 29 percent.

While the concept of preferential treatment to compensate for past discrimination is unacceptable to most people, when the issue is narrowed to whether qualified blacks should receive preference over equally qualified whites, black opinion divides much more evenly. According to a recent Newsweek Poll conducted by the Gallup Organization Inc., 45 percent of blacks believe members of their race should receive preference under these circumstances, while 47 percent believe they should not.

Rarely is public opinion as united as it is over this question. Attitudes are similar from region to region, among all age groups and by education. Democrats are only slightly more disposed to preferential treatment than are Republicans and independents. All groups back objective data, such as test scores, as the main qualifications for jobs and college entrance.

Opponents of affirmative action programs maintain that ability alone should determine who is hired or admitted to colleges and professional schools. They say those who are innocent of past discrimination should not be made to pay now, and that affirmative action programs ultimately will dilute the market value of other, competent people who achieved their status on the basis of objective criteria.

Opponents also argue that preferential treatment puts a "badge of inferiority" or stigma on minority professionals, saying, in effect, that a black lawyer or doctor is less qualified than a white one.

Proponents counter that without it blacks and women will never participate fully in American society.

Aside from the issue of compensation for past discrimination, supporters maintain that without quotas many institutions and professions will not be representative of the publics they serve.

Backers of affirmative action also reason that tests are often discriminatory because of the inferior education that minority group members have received.

Here is the question asked to determine attitudes toward affirmative action in hiring and education:

"Some people say that to make up for past discrimination, women and members of minority groups should be given preferential treatment in getting jobs and places in college. Others say that ability, as determined by test scores, should be the main consideration. Which point of view comes closest to how you feel on this subject?"

Following is the trend:

AFFIRMATIVE ACTION

	Preferential treatment	Ability	No opinion
Latest (December 1980)	10%	83%	7%
1977 (October)	11	81	8
(May)	10	83	7

Here are the latest results by population groups:

AFFIRMATIVE ACTION

	Preferential treatment	Ability	No opinion
National	10%	83%	7%
Men	9	85	6
Women	11	82	7
Whites	7	87	6
Non-whites	29	57	14
Under 30 years	11	81	8
30-49 years	11	83	6
50 and older	8	86	6
College education	10	86	4
High school	9	84	7
Grade school	13	76	11
Republicans	6	92	2
Democrats	14	78	8
Independents	8	86	6
East	10	84	6
Midwest	8	85	7
South	11	79	10
West	10	87	3

The results are based on in-person interviews with 1549 adults, 18 and older, conducted in more than 300 scientifically selected locations across the nation during from December 5 to 8.

For results based on a sample of this size, one can say with 95 percent confidence that the error attributable to sampling and other random effects could be three percentage points in either direction.

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* NEXT MEETING

City and County of San Francisco

HUMAN RIGHTS COMMISSION
Office of Contract Compliance
Office of Dispute Resolution

PRINCIPLES FOR AFFIRMATIVE ACTION IN EMPLOYMENT

There were two basic and compatible ideas built into the birth of the San Francisco Human Rights Commission: equal opportunity and affirmative action. The Human Rights Commission is increasingly involved in mounting and stimulating affirmative action programs in both public and private employment. What follows then is a discussion of both principles, equal opportunity and affirmative action, and how they are and must be built into affirmative action programs; programs which are not limited to what is actually on paper, but also including "unofficial" employment practices and policies which nevertheless affect the way people are treated in the employment process. These principles should not be necessarily interpreted as "official" HRC guidelines, nor should they be construed as constituting an affirmative action program, official or otherwise. Rather, the issues discussed and the principles set forth have been adopted by the Human Rights Commission as its response whenever inquiries are made relative to the meaning of equal opportunity, affirmative action, goals or quotas. Then too, this document serves as the basis for all resolutions and policy positions adopted by the Human Rights Commission on matters relating to affirmative action.

Equal opportunity means that every person is to be judged upon his or her individu merit - - that is to say, to be judged on the basis of his or her ability to perform - - not on the basis of nonperformance related factors. Chapters 12A and 12B of the San Francisco Administrative Code prohibit employment discrimination

Principles for AA
in Employment

on the basis of race, color, creed, national origin, disability, ancestry, age, sex or sexual orientation.

Because of the effects of long-term conditions of discrimination and exclusion, mere nondiscrimination will not create conditions of equal opportunity. The purpose of affirmative action is to promote, by specific measures, genuine conditions of equal opportunity during the lifetimes of the present generation. The Principles of equal opportunity and affirmative action must mesh; the sooner the mesh is achieved in practice, the better. The principle of equal opportunity cannot be used to diminish current affirmative action programs. Likewise, the principle of affirmative action cannot become a device to subvert the principle of equal opportunity.

The following principles describe the basic elements of an affirmative action program in employment:

1. RECRUITMENT

Mount every reasonable effort to identify and recruit qualified members of previously excluded groups for job openings which become available. This means going beyond those traditional referral sources which normally provide only white and/or male applicants. It means the aggressive use of all those sources such as community organizations, public employment services, newspapers, etc., which can notify and refer applicants from groups previously excluded, whether by deliberate discrimination or by the traditional work-seeking system.

Principles for Employment

II. TRAINING

Develop training programs to qualify members of these groups who are not fully qualified. This includes special tutoring for tests for jobs such as apprenticeships, special trainee categories for some job classifications, and federally funded training for school dropouts or unemployed and unprepared graduates as well as special efforts and training activities by individual employers, employer groups and employer associations.

III. TESTING AND SELECTION

Emphasize the use of job-related performance tests and eliminate or revise written tests and other selection criteria to exclude items which are not job related; for instance, items which reflect cultural bias. Maintain and strengthen, however, the use of objective selection standards and criteria, in order to prevent, and provide a check on, unfair and arbitrary bias in employment.

Be conscious of the affirmative action principle in choosing between two applicants equally qualified according to such objective standards or valid tests which are predictive of performance level. Past job experience should be examined for relevant skill which may be transferable. Volunteer experience should be examined for content and responsibility, and proper credit given for previous job-related experience. Criminal and Military records should only be considered when it is lawful to do so, and then only when they are relevant to the job.

Principles for AA
in Employment

IV. JOB ANALYSIS

Examine the essential qualities and abilities needed for each particular job, eliminating those which are really irrelevant, and adding those which are important to doing a good job in today's urban society. In some jobs this may mean that some kinds of academic pre-job requirements should be dropped. In other jobs it may mean that proof of ability to work with the population to whom the service is aimed should be a requirement. An example would be the need to hire bilingual staff in order to be able to effectively serve a client population which is not proficient in English. Still in some other jobs it may mean that non-relevant physical requirements, or unnecessary operational or architectural barriers should be removed to prevent the screening out of physically weaker or disable persons.

V. MEASUREMENT AND ACCOUNTABILITY

Place accountability for the effectiveness of an affirmative action program upon the employer by measuring the quantitative progress made over identifiable periods. The employer should know what its goals and timetables are and measure the effectiveness of its affirmative action program against them. In multi-ethnic San Francisco this means a concern with the inclusion into the work force of a number of different groups via affirmative action.

VI. GOALS AND QUOTAS

The use of goals is one thing, the use of mandatory quotas is quite another. "Quota" means the requirement that fixed percent-

ages of various racial, or other groups be hired.

Hiring or promotion quotas are not to be used routinely, but only when there has been a clear refusal on the part of an employer to apply affirmative action programs in good faith. Where there is direct evidence of a failure to make good faith efforts, a court of competent jurisdiction may impose a quota as a temporary remedial measure. In no case is an exclusionary quota lawful.

Our rejection of the routine use of quotas is based on principle as outlined above, but it should also be clear that their routine use has not been an effective approach. Quotas are not a program, but, at best, a strategy of last resort. They do not find people, prepare people, or match people to job requirements or job requirements to job needs. These require a detailed affirmative action program which will institutionalize the system through which an integrated work force will not only be achieved, but maintained. The generally used guideline for the purpose of evaluating progress toward integration is a goal based on the composition of the population and labor force in the area. "Goal" is the expectation that various racial and other groups will probably be hired in a pattern of relationship to industry, population and/or labor force percentages, if principles of equal employment opportunity and affirmative action are applied. This is based on the assumption that if past discrimination and exclusion because of race or any other non-performance - related factor had not existed, people would be more evenly spread out by occupation, job and salary

level. Even the population ratio, however, needs to be used with care as a goal, because it depends on what geographic area is used as a base, and which job category or industry the population ratio is applied to.

The failure to reach number goals is not prima facie evidence of the failure of good faith, but may be an important clue to the substantive failure of the affirmative action program. In the latter case, the affirmative action program should be examined for deficiencies.

The specific time and place of a given affirmative action program is important since what is meaningful and effective will vary depending on the availability of qualified or qualifiable applicants who have been traditionally excluded for the jobs covered by the program. Goals have no function unless the details of an affirmative action program deal realistically with the state of the supply at that time. Additionally, concern for the future dictates a concern for participation in the educational institutions today.

VII. UPGRADING AND PROMOTION

These principles must be used not only for "new hires", but just as assiduously for upgrading. Upgrading is an inseparable part of affirmative action, and requires special attention, especially with respect to the following:

a) Monitoring the record of promotions of members of traditionally excluded groups.

b) Reviewing all tests and standards used for promotional

purposes to eliminate irrelevant and culture-biased standards.

c) Actively carrying on a program to identify members of traditionally excluded groups who exhibit the capacity to advance. This special effort is important because these are the employees who are still most likely to be overlooked for advancement.

d) Providing special training opportunities for employees, which can be coordinated with educational institutions in the area.

VIII. SENIORITY

Equitably administered seniority systems are not in and of themselves discriminatory. On the contrary, a rigidly adhered to seniority system can provide job protection and advancement without regard to race, sex, age, etc. Seniority systems that in fact provide such protection must be preserved and adhered to. However, when a specific seniority system operates to exclude, or is administered to exclude, persons on the basis of race, sex, age, etc., the needs of equal opportunity and affirmative action must take precedence. The system must then be modified to allow affirmative action procedures to be implemented. As in the case of quotas, this is a position of principle. However, as affirmative action gains are made, previously excluded persons are acquiring seniority and have need of the protections inherent in a seniority system. Also as in the case of quotas, seniority systems should only be modified by a court of competent jurisdiction as a temporary remedial measure.

Principle for
AA in Employment

IX. LAYOFFS

In times of economic recession and hardship, employers traditionally utilize the layoff procedure to cut down on rising or unnecessary costs. Groups which have been previously excluded usually suffer the greatest from being the most recently hired. The layoff procedure should only be resorted to after all other alternatives have proven to be either unsuccessful or lacking in feasability. Alternative measures, such as hour reduction and temporary rotating layoffs should be considered.

X. EMPLOYEE ASSOCIATION AND LABOR UNIONS

Employers whose employees are represented by employee associations or labor unions should involve these organizations in the planning, implementation, communication and review of affirmative action programs. Moreover, affirmative action issues should be brought to the negotiating table during the meet and confer and collective bargaining process to insure that affirmative action programs are included in, and consistent with, collective bargaining agreements and memoranda of understanding.

IX. REVISION AND COMMUNICATION

Effective implementation and enforcement of an affirmative action program requires periodic internal as well as external reviews. Any effective affirmative action program also must be periodically revised as progress is made and the needs and make up of society undergo change.

Principle for
AA in Employment

Additionally, the extent to which an affirmative action program can be effecti.e depends, in part, on every employee having at least a basic understanding of it. Information about an employer's affirmative action program, and the new opportunities available, should be disseminated to every employee. The surrounding community or urban area should also be made aware of the program and the opportunities it provides.

VII. GOOD FAITH AND COOPERATION

Finally, the success of any affirmative action program depends upon the good faith and the cooperative use of every reasonable effort by all parties involved. The employer must bear ultimate responsibility for the success or failure of its program. However, community groups, employee associations, labor unions and government compliance agencies must cooperate to the fullest in advising and assisting the employer in the implementation of the program.

FA:sas
4/21/80

DOCUMENTS DEPT.

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, June 25, 1981
Commission Room, Main Library

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* NEXT MEETING *
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* Date: Thursday, July 9, 1981 *
* The only July meeting. *
* Time: NEW TIME: 10:15 AM *
* Place: Third Floor Commission Room *
* Main Library Civic Center *
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NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

ROLL CALL

Commissioners

Present: John C. Morrissey (presiding) Samuel Chung, Sister Bernadette Giles, Robert D. Edwards, Phyllis Lyon, Caryl Mezey, Joan Moulton, Richard Sevilla, David Yamakawa.

Excused: Lia Belli, Antonio Grafilo, Pius Lee, Clemente Obregón, Brenda Wade, Rabbi Martin Weiner.

Staff:

Present: Grant S. Mickins, Frank Anderson, Jack Casford, Don Hesse, Stanley Lim, Joe Meza, Richard Norton, Lydia San Filippo, Essie Thomas, Ed Vurek.

Pledge of Allegiance

Minutes of June 11, 1981 approved. Correction, at the request of Employment Chairperson Commissioner Yamakawa, Page 6, next to last paragraph, to read:

After consideration of these and other factors, the motion in Committee to recommend adoption by the HRC failed for lack of a second.

COMMUNICATIONS

- Copy of a letter from John W. Krautkraemer, Attorney, Office of Regional Counsel, U.S. Environmental Protection Agency, Region IX, to Mr. Jeffrey Lee, Director of Public Works, announcing that the Regional Administrator has affirmed the decision dismissing the protest of the Alliance of Minority Contractors and Suppliers against Southwest Outfall Sewage Project Bid Project No. C-06-1252. The Alliance protest had been formally communicated to the HRC by letter April 7, 1981. A written Determination was issued by Director of Public Works Jeffrey Lee on April 29, 1981 dismissing the protest as untimely filed.

- To Mr. Kevin B. Williams, Alliance of Minority Contractors, from HRC Contract Compliance Officer Stanley K. Lim, also announcing that the HRC was dismissing the Alliance complaint after review.

- From John C. Frantz, City Librarian, responding to Mr. Mickins' letter to George Gallup regarding recent publication of the Gallup Poll taken in December of 1980, on results of a question about public attitudes towards affirmative action. This material in a packet including the HRC's Principles

of Affirmative Action in Employment was sent to major newspapers locally and nationally, and to the heads of some 50 City departments, boards, and commissions. Mr. Franz called Mr. Mickins' letter "...excellent: concise, articulate and convincing."

DIRECTOR'S REPORT

- HRC Fiscal 1981-82 Budget.

The Finance Committee of the Board of Supervisors approved the final HRC budget of approximately $414,000 at its hearing June 24. Mr. Mickins announced that a internal clerical error has resulted in a shortfall of $13,300, and that he shall be required to request an adjustment from the Mayor's Office. He said he had made some administrative changes internally to prevent any office staff from having to be laid off as a result of this error.

- Airports/HRC Seminar for MBE/WBE Airport Concessions.

A one-day seminar for minority and women-owned businesses seeking concessions at San Francisco International Airport will be conducted jointly by the Human Rights Commission and the Airports Commission on Wednesday, July 8 at the State Building, 350 McAllister Street, Room 1157 from 9AM to Noon.

STANDING COMMITTEES

ADMINISTRATIVE
Phyllis Lyon, Chairperson

- Fisherman's Wharf Restaurant Case Appeal Decision Favoring HRC.

Judith Teichman, Deputy City Attorney, who has represented the HRC in this case since it was first filed in 1977 against its mandate to require affirmative action reporting of Wharf restaurants, was present, and, after a round of applause from the HRC Commissioners and staff, briefly reviewed the unanimous decision by the State Court of Appeal, First Appellate District. The decision was written by JusticeJerome Smith and signed by Justices Wakefield Taylor and Allison Rouse.

In upholding the authority of the HRC to require Fisherman's Wharf restaurants holding leases to comply with affirmative action requirements of the City, the Court held:

1. That the state did not pre-empt local jurisdictions in enacting the Fair Employment Practices Act of 1963 and "did not intend to preclude municipalities from including nondiscrimination provisions in their leases."
2. That Chapter 12B (the Nondiscrimination Ordinance of the City Administrative Code that the HRC implements) as amended in 1974 to include lessees as contractors is applicable to all Wharf restaurants.
3. That the City's intent was to give lessees the opportunity to establish their compliance with the nondiscrimination requirements by submitting an affirmative action plan and was reasonable not a quota:
4. That the City has the authority under Chapter 12B to require the restaurants to submit the data sought through the workforce questionnaire.

The case, called Alioto's Fish Company, Ltd, et al., vs the Human Rights Commission of San Francisco, et al., dates from 1976, when resistance began to build on the part of a number of Wharf restaurants which hold leases from the City's Port Commission to complying with the HRC requirements dealing with recruitment, training, and hiring practices and workforce breakdown reporting.

In 1977, fourteen restaurants joined in a class action, claiming pre-emption by state and federal nondiscrimination laws over the local ordinance (Chapter 12B).

In 1978, Judge Charles L. Peery, of Superior Court, issued a preemptory writ ordering the HRC to refrain from enforcing Chapter 12B conditions as part of the restaurants' leases. That writ has been under Appeal by the HRC through its counsel, Ms. Teichman, since that time.

Ms. Teichman said that it is presently unknown if the plaintiffs (the restaurants) wish to appeal to the California Supreme Court. They have 15 days from the June 18, 1981 Court of Appeal decision to ask for a re-hearing. The Court of Appeal ruling becomes final 30 days after June 18, and the plaintiffs have 10 days from then (July 28) to file an appeal to the California Supreme Court.

Director Mickins, responding to an inquiry from Chairperson Morrissey, said that the HRC intends to re-submit workforce breakdown questionnaires to the Fisherman's Wharf restaurant lessees party to the suit. (They are: Alioto's Fish Company Ltd, Borruso's Lighthouse Seafood Grotto, Castagnola's Restaurant, Fisherman's Grotto, The Franciscan Restaurant, Scoma's Restaurant, Tarantino's Restaurant, Victoria Station, Bundox Restaurant dba The Waterfront, Sinbad's Pier #2 Restaurant, Franceschi's Restaurant, Carnation Co., Inc., Pompei's Grotto, and Sabella's and La Torre Restaurant.)

*****The HRC voted unanimously to write a formal letter of commendation to Deputy City Attorney Teichman for her work on its behalf in this long and distinguised landmark case.

- Recommendations Regarding Proposal by Police Chief Murphy on Citizen Investigation Issue.

The background of this issue had been discussed in detail at the HRC June 11. A letter from Mayor Feinstein on June 4 to the Board of Supervisors has said that the Police Commission "had agreed to arrange for an alternate place, outside the Hall of Justice, most likely at the Human Rights Commission, where civilians can make complaints directly to a nonuniformed police investigator with the Internal Affairs Bureau."

The Administrative Committee met, at the direction of the HRC June 11, on June 24.

Vice-Chairperson Lyon reported that the Committee was concerned about the fact that the "alternate-site" proposal represents a significant policy issue for the HRC. It recommended that a meeting be arranged between the full HRC and the full Police Commission in order to further explore what commitments the Police Commission has made, what it envisioned doing in terms of complaint-handling from the public, and what it sees as the role for the HRC.

It also recommended that the HRC reaffirm the formal endorsement it voted August 12, 1976 of the San Francisco Bar Association's Citizens' Complaint Procedures for the San Francisco Police Commission. The initial endorsement came after a presentation by Tom Gee, of the Bar Association, through the HRC's Police Liaison Committee in 1976.

Commissioner Sevilla said that his understanding of the Administrative Committee discussions was that the proposal by the Chief of Police that a nonuniformed member of the Police Internal Affairs Bureau be stationed fulltime at the HRC to receive citizen complaints would not best serve the community, and that while he supported the projected joint meeting with the Police Commission, he felt it important that the HRC's endorsement position on the issue be known and reaffirmed.

Commissioner Lyon said the Bar Association proposal is essentially the same proposal that Supervisor Harry Britt has introduced before the Board of Supervisors.

Two members of the Police Department's Internal Affairs Bureau, Captain John Mahoney, and Sergeant Ronald R. Keil, were present. They had visited the HRC offices at Director Mickins' invitation earlier to determine that there was office space and facilities available to house one nonuniformed police officer on a fulltime, five-day-a-week, regular office-hours basis.

Captain Mahoney responded to several Commissioners' questions. He said that the police officer would be under the administrative supervision of the Chief, not the HRC Director, that the officer would not be represented as being a member of the HRC staff or its representative, and that he suggested that the HRC reception room post a sign indicating the room number and the words, "Internal Affairs Bureau."

He said he understood Chief Murphy's intent with this proposal was to determine if there is a substantial number of citizens who are loath to come to the Hall of Justice offices of the Internal Affairs Bureau to file complaints about police activity.

Asked by Commissioner Sevilla what information about the complaint cases would be available at the HRC, Captain Mahoney said that the names of the complainants and how many there were could be revealed to the HRC, but said all other details about IAB complaint files are confidential by state law, except to the Chief of Police and Police Commission.

Captain Mahoney declined to comment directly to Commissioner Sevilla's question as to how he felt these procedures would improve the services of the Internal Affairs Bureau, saying that the Chief would have to answer this, that this was an implementation function. He repeated that it was seen as a means of determining if there is a substantial number of citizens who wish to file complaints, but will not do so on the premises of the Hall of Justice.

Commissioner Mezey commented that she felt there was a need for more discussion on the proposal (to house an IAB police officer at the HRC offices) because the HRC will undoubtedly be identified by the public as having some part of the process of investigation and complaint-handling. She said the Administrative Committee felt that Director Mickins had been meeting effectively with Chief Murphy on the proposal, but that it presented such a significant policy matter for the HRC, involving its public identification and use of staff time, that full discussion with the Police Commission was essential.

- Commissioner Giles said that if she had been able to attend the Administrative Committee she would have stated that she has a "real fear" about having any kind of a civilian complaint resource based at the HRC, foreseeing its putting the HRC in an adversary position vis-à-vis the Police Department. She said she felt that the HRC would become identified in peoples' minds as the office to which they can bring their complaints against the Police, not distinguishing the fact that the IAB will be an arm of the Police Department, not of the HRC.

Commissioner Sevilla said that given the present structure of IAB function regarding complaints against the Police Department it "compromises" the HRC position (endorsement of the Bar Associatior citizen investigation office proposal) to house the IAB at the HRC offices.

*****At this point Commissioner Moulton asked that she be permitted to make a statement as the Police Liaison/Social Issues Committee Chairperson. This was not on the published Agenda for this HRC meeting.

It was then

*****m/s/c that the HRC request the Police Commission to meet with it regarding the Chief of Police's proposal.

It was then

*****m/s/c that the HRC reaffirm its August 12, 1976 endorsement of the San Francisco Bar Association's Citizens' Complaint Procedures for the San Francisco Police Commission proposal. Director Mickins said this reaffirmation will be sent to all parties concerned in the issue.

Commissioner Mezey commented that it should be stated that although the HRC has voted to reaffirm its endorsement, it should not automatically preclude some arrangment being made with the Police Commission/Chief of Police in light of the reaffirmation action.

POLICE LIAISON/SOCIAL ISSUES

- Commissioner Moulton, at her request, then stated that she wished to say that the Police Liaison/Social Issues Committee supports reaffirming the HRC's endorsement in 1976 of the San Francisco Bar Association proposal.

ADMINISTRATIVE

- Recommendation Regarding Seeking Pro Bono Legal Services.

This recommendation came on referral from the HRC's June 11 meeting at which Director Mickins and others commented on the need of the HRC for expert legal advice in bid protest and appeals cases, in view of the fact that the strained resources of the City Attorney's Office have in the past been a limiting factor in this area, especially in instances where the City Attorney must give advice and representation to both the Director and the HRC members.

*****The Committee recommended that, when necessary, the HRC seek, from such organizations as the Lawyer's Committee on Urban Affairs and other pro bono groups, legal counsel in addition to that provided by the City Attorney's Office.

Commissioner Yamakawa noted that there are instances when it is desirable that the Director (in, for example, in an appeal case to a Director's Finding) as the party advocating his case before the HRC be served by legal counsel in defending his position, and the HRC members hearing the appeal being advised on the pertinent rules and regulations, such as Chapter 12B. It is felt, he said, that the City Attorney might be reluctant to perform both these functions, and the HRC might have an arrangment with some private pro bono firm at no cost.

- Commissioner Mezey noted that her motion on June 11 that pro bono services be considered was with the understanding they would be "when necessary", not only in bid protest or appeals cases.

EMPLOYMENT
David K. Yamakawa Jr., Chairperson

- Purchasing Department Monitoring Problems Report- Ed Vurek, Contract Compliance Officer.

Mr. Vurek discussed in some detail the highlights of a long written report he provided Commissioners in advance of his meeting. Here is that report, verbatim:

This report concerns the problems of the HRC staff's monitoring of contracts let by the City and County's Purchasing Department. That department lets hundreds of contracts and spends approximately $150 million per year. These contracts include such supplies and services as automotive vehicles and parts, all types of paper supplies, reproduction services. office and business machines, uniforms, janitorial services, drugs, chemicals, miscellaneous hospital supplies, office supplies, food products and repair services for machinery and equipment. This list is not all-inclusive. Virtually every product and service required to operate City government is put out to bid by the Purchasing Department.

The Purchasing Department operates through a group of Buyers, working under the direction of the Chief Purchaser. Each Buyer is responsible for assuring that all possible sources of supplies and services are made aware of each contract proposal of reasonable size. On small contract items, under $500, the Buyer may call a known supplier to cover the contract. Occasionally, on a large item there may be only one identifiable supplier with whom to negotiate. Under the normal procedure the Buyer will send the bid request (Contract Proposal) to all known suppliers of that commodity or service. Notice of the Contract Proposal is also published in the major newspapers to solicit additional bids. On a designated date, the bids are opened and the lowest responsible bidder is selected. Ther term "lowest responsible bidder" has, to a great extent, come to include affirmative action and nondiscrimination efforts in the view of the Purchasing Department. However, the Purchaser still feels that his department's responsibility is primarily to obtain the lowest price for suitable supplies and services for the taxpayers of the City and County of San Francisco, as indicated in the City Charter. When a bidder clearly violates the procedural provisions of Chapter 12B, such as supplying required information, or clearly refuses to comply with nondiscrimination provisions, the Purchasing Department has generally been supportive of the HRC's position.

In cases of more substantive problems involving the HRC's judgment or the need for increased effort, or additional requirements, if a substantial amount of money is concerned, Purchasing is less supportive and even combative. It has remained the Purchaser's position that strict enforcement of Chapter 12B reduces the number of bidders and forces the price of supplies and services higher, thereby preventing the Purchasing Department from complying with its own legal charge.

Until last year, the HRC had a policy of targeting specific Purchasing Department contractors. This procedure concentrated on large companies, large contracts, or specific situations, such as employment complaints. This policy was a result of HRC budget and staff size. One result of this policy was, although Chapter 12.B was attached to all contract proposals, only those bidders targeted for action were specifically aware of affirmative action requirements and obligations.

The HRC Director decided that a new approach to Purchasing had to be established. The revised policy included some form of monitoring of all contracts over $50,000 and gathering information on the participation of minority business enterprises (MBE) on Purchasing contracts. An affirmative action memorandum and questionnaire was included in all contract proposals over $50,000, in addition to a revised copy of Chapter 12.B. The memo:

1) explained the obligation of the bidder to provide information to the HRC,

2) described the HRC's priorities for affirmative action in employment:

   a) full-time employment of minorities and women,
   b) promotion of minorities and women,
   c) part-time and summer employment for minorities and women.

3) indicated that if the questionnaire was not completed and returned with the bid, the City could not consider the bid.

The questionnaire required information on:

1) the business activity of the bidder,
2) hiring and recruitment practices,
3) affirmative action measures utilized (written programs to be attached),
4) whether firm is minority or woman-owned,
5) workforce data.

As might be expected, such a new policy created some degree of chaos. Many bidders, including long-time bidders and contractors, did not return the forms and found themselves ineligible for selection. Although the memo seemed clear, some bidders probably genuinely didn't understand it because of lack of experience with affirmative action. Others, especially small firms, felt it didn't apply to them. Still others just refused to accept another "example of bureaucratic interference in their business". Many of these bidders have since submitted the information on subsequent contract proposals. However, some appear to be content to remain ineligible. As a result, representatives of the Purchasing Department have charged that HRC requirements cost the City money.

A series of meetings between HRC staff and the Chief Purchaser and his Buyers resulted in a revised memo to bidders to further clarify their obligations. Bidders are now required to update information on a yearly basis. An HRC "approved" list is being devised, listing firms by type of business. The Purchasing Department Buyers will utilize the list to determine which bidders are eligible for selection. A bidder not on the list must submit affirmative action information with the bid package.

The list will also be valuable to community recruitment and referral agencies. It will indicate which companies have affirmative action obligations. The HRC will be interested in learning of firms on the list that prove unreceptive to referrals from community agencies. The approved list will have companies in the following categories:

1) unsuccessful bidders that have provided affirmative action information,

2) bidders or contractors demonstrating successful affirmative action techniques indicated by workforce data,

3) bidders or contractors with approved affirmative action programs,

4) bidders or contractors with HRC affirmative action agreements.

No matter what the category, in order to remain eligible bidders or contractors, all firms must conform in Chapter 12.B.

One of the difficult problems uncovered in the attempt to monitor Purchasing Department contracts is the high incidence of awards to out-of-town and out-of-state suppliers. The HRC knew this situation existed to some extent, but about 60% of supply and services contracts are awarded to out-of-area contractors. This does not even include contracts awarded to small local firms that are distributors for out-of-area businesses. The commodity is often a bargain because of lower material and labor costs in other areas of the nation. It is impossible for the HRC to apply the affirmative action criteria used in San Francisco, or even the Bay Area, to other areas, especially those of which we lack knowledge.

As an example of the kind of problem this situation creates, three of the primary supplies and services that still have a source of local bidders are automotive vechicles and parts, janitorial and cleaning services, and printing and reproduction services. Of the local companies selected in the past year to supply these goods and services, the minority workforces are 47.7% in automotive, 66.6% in janitorial and 45.3% in printing. On the other hand, the medical, surgical and drug supply contractors are virtually all located in the Eastern U.S. suburban areas,and those selected bidders average about 18% minority workforce.

In view of this situation, it would seem that an overall statistical review of Purchasing Department selections would provide a distorted picture. Local suppliers should be reviewed separately, as group or by industry, to indicate their strengths and/or weaknesses, considering their more stringent requirements. Out-of-area suppliers should be reviewed separately, realizing that while they are obligated to supply information as required by 12.B, additional requirements may not be realistic because of locale.

This approach will used in a statistical report in September., Mr. Vurek said

Business Participation

One of the important reasons for developing a revised approach to the Purchasing Department was a lack of participation by minority and woman-owned businesses in the bidding and selection process. The individual Buyer in Purchasing is responsible for soliciting bids on contract proposals. The proposals tend to go to the bidders that are known to the Buyers. This does not include many minority-owned businesses. Solicitations are also published in the major newspapers. Minority firms have not seemed to take advantage of the advertisement. At any rate, minority bidders are few, and minority contractors, fewer. Since June, 1980, there have been only five minority-owned firms selected in City contracts. This accounts for much less than 1% of the total purchasing dollar spent by the Purchasing Department.

The Chief Purchaser readily agreed to a proposal by the HRC to the U.S. Department of Commerce for funding of a local minority business development program. However, funds had run out for that purpose, though HRC was assured it would be considered when new funds became available. It would appear that the current Administration will not be restoring such funding.

The Purchaser is adamant that a "set-aside program" or point-rating system to bring MBE or WBE into the City purchasing dollar is prohibited by the City Charter. Existing minority business development agencies are reluctant to work with the Purchaser because of his refusal, or inability, to consider set-asides or other innovative systems.

In the face of this situation, Mr. Vurek strongly urged that the HRC consider assigning staff to perform some of the duties necessary to MBE and WBE development in the Purchasing Department. This would probably necessitate some de-emphasis of the employment monitor function since only one staff member is assigned to Purchasing. But a large part of the employment monitoring with the Purchasing Department can't be effective because of the location of the contractors. It would be necessary to work, at least part-time, in Purchasing, and learn the process. The important functions to be performed would include:

a) identification of MBEs and WBEs to the individual Buyers,
b) monitoring of the contract proposal lists to determine that MBEs and WBEs receive proposals,
c) if MBEs and WBEs do not respond, follow-up to determine the reason,
d) evaluate the performance of any selected MBE and WBE,
e) use this information to improve the business participation, of MBEs and WBEs.

This is one possible way to turn the current situation around, Mr. Vurek said. The Purchasing Department of the City and County of San Francisco must begin to develop a business participation program similar to other major cities, and to other departments in our own city.

Mr. Vurek said that some businesses, particularly those that are working on small profit margins and capitalization, are loath to do business with the City because of its reputation for slow payment--- as long as six months or more in some instances.

He re-stated his conviction that the HRC must have at least a part-time staff working with Buyers directly at the City Purchasing Department to substantially improve and increase MBE and WBE participation in City contracts especially in view of their current "disgracefully low" 1% share.

It was

*****m/s/c that the Purchasing Department Monitoring Problems Report be accepted by the HRC.

NEW MATTERS

- From Director Mickins: F.P.Lathrop Construction Company Hearing Cancelled.

The HRC hearing on the Appeal by this construction firm of a Director's Finding of Noncompliance in November of 1980 set for Monday, June 29, at 10AM in the Commission Room of the Main Library has been cancelled. Director Mickins said it probably would be rescheduled for late August or early September.

- Banks and Savings & Loans' Resistance to Affirmative Action.

For the past year and a half, due to the threat by the Bankers Clearinghouse Association of a lawsuit challenging the HRC's jurisdiction in requiring submission of an affirmative action questionnaire, no monitoring activities have been carried out by the HRC with these institutions. At the HRC meeting of December 13, 1979, a deadline for a response by the banks had been extended to February 15, 1980, and their intention to make these legal challenges to the HRC's affirmative action jurisdiction had been announced.

Mr. Bruce Nelson of the law firm of Morrison & Foerster representing the Bankers Clearinghouse Association was to meet with Director Mickins following this HRC meeting to discuss resolution of this long-standing impasse.

- Bona Fide Minority Subcontractor for Williams & Burrows.

The firm not certified May 8, 1981 by the HRC as a bona fide MBE subcontractor has not appealed the action, and Williams & Burrows is understood to be in the process of submitting another firm as its bona fide subcontractor for Airport Contract No. 1200B-Central Terminal Modernization.

- Gay Freedom Day Parade and Rally June 28.

Commissioner Sevilla announced that the annual Gay Freedom Day Parade in downtown San Francisco would begin at 11AM and end at a 2PM rally in the Civic Center.

CALENDAR MATTERS

- The next regular meeting of the HRC will be July 9, 1981 (the only meeting in July) at the new time of 10:15 AM in the Third Floor Commission Room of the Main Library.

STANDING COMMITTEES

Employment:	Thursday, July 2, 1981 9:30 AM 870 Market Room 920
Gay Advisory	Tuesday, July 7, 1981 Noon 870 Market Room 920
Housing & Urban Development	To be announced
Police Liaison/ Social Issues	To be announced
Youth & Education	To be announced No July meeting.

NO REMARKS FROM THE AUDIENCE

Adjournment

Respectfully submitted,

Grant S. Mickins III
via Jack Casford

GSM:JC:sa
7/1/81

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, August 13, 1981
Commission Room, Main Library
(The July 9, 1981 Meeting was cancelled)

DOCUMENTS DEPT.
SEP 14 1981
SAN FRANCISCO
PUBLIC LIBRARY

****

NEXT MEETING

Date: Thursday, September 10, 1981
Time: 10:15 AM
Place: Third Floor Commission Room
Main Library Civic Center

****

NOTE:

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

ROLL CALL

Commissioners

Present: John C. Morrissey (presiding) Samuel Chung, Robert L. Edwards, Pius Lee, Phyllis Lyon, Caryl Mezey, Clemente Obregón, Richard Sevilla, Brenda K. Wade, Rabbi Martin Weiner, David Yamakawa, Antonio Grafilo

Excused: Lia Belli, Joan Moulton.

It was announced that Commissioner Giles has resigned, and communicated her intention to do so in a letter August 4, 1981 to Mayor Feinstein. This letter was read in full by Chairperson Morrissey: (See also New Matters section of these Minutes).

PRESENTATION HIGH SCHOOL
2350 Turk Boulevard
San Francisco, California 94118

August 4, 1981

Honorable Dianne Feinstein
City Hall
San Francsico, California

Dear Mayor Feinstein:

I wish this time to submit my resignation as a member of the Human Rights Commission of San Francisco. I have been, as you know, a member of the Commission almost since its inception and I feel that the time has now come for me to withdraw from it. I do so reluctantly, in one way, because I will be leaving a wonderful group of people who are not only my colleagues but also my friends. On the other hand, now that I have reached the status of senior citizen myself I would like to devote more time to collaborating with those whose specific aim is to promote the well-being of the older members of our San Francisco community.

The Human Rights Commission is, without a doubt, one of the most important agencies in your government. According to most of the laws of social organization, the disparate groups in our city should be in constant tension with one another. On the contrary,

one never sees San Francisco listed among major American cities whose racial/ethnic conflicts are a threat to the rest of the community. This is due in no small measure to the persistent efforts of the Human Rights Commission to carry out the mandate confided to it by Mayor Shelley of happy memory. You yourself have on many occasions paid public tribute to the Commission, indicating your own appreciation of the work accomplished by the HRC over the years.

I leave a Commission that is indeed a credit to San Francisco and to you. You have appointed a group of able Commissioners who are generous and devoted to the ideals of the Commission. The Commission has an excellent director in Grant Mickins and a fine staff-Gail Roberts, Jack Casford, Stanley Lim, Essie Thomas--to name but a few. They are professional civil servants in the best sense of the word.

I am grateful to you for allowing me to serve on the Commission during your term of office as mayor of San Francisco and pray that God will continue to guide you in all you do for the poor and underprivileged of our city.

Finally, a speedy recovery from your recent accident!

Cordially yours,

Sister Bernadette Giles

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Stanley Lim, Joe Meza, Richard Norton, Mary Gin Starkweather, Gail Roberts, Essie Thomas.

Pledge of Allegiance

Minutes of June 25, 1981 approved.

The scheduled July 9, 1981 meeting was cancelled.

COMMUNICATIONS

- From U.S. Senator S.I. Hayakawa, to Chairperson Morrissey, a response to the HRC's May 28, 1981 action reaffirming its long-standing support for continuation inSan Francisco of multilingual ballots, voter registrars, poll officials, and voter information and instruction material. Senator Hayakawa included a copy of his remarks in the Congressional Record on his action to introduce in the U.S. Senate S.B.53, a bill to amend the Voting Rights Act of 1965 to repeal certain requirements relating to bilingual election requirements. His letter to Chairperson Morrissey stated his position that many California counties have complained about the financial hardships caused by the bilingual election materials requirements; that these requirements "actually contradict the pertinent provisions of our naturalization law"...and imply "that the English language requirement is an unnecessary formality."

- From John Schonenberg, requesting the HRC's support in the filing of an amicus curiae brief on behalf of plaintiffs in a case, Okin v. Rogers, before the U.S. Supreme Court. The issue is an involuntary mental patient's right to refuse, absent an emergency, anti-psychotic medication.

- From George Gallup Jr., President, The Gallup Poll, responding to Director Mickins' reaction in writing to the appearance in the San Francisco Chronicle on May 21, 1981 of the reported results of a Gallup Poll in December, 1980, stating that the findings were, in response to the one question, indicative of

public opinion opposed to affirmative action in employment (called 'preferential treatment' in the poll itself).

The Gallup Poll

53 Park Street, P.O. Box 628, Princeton, New Jersey 08540

Dr. George Gallup
Chairman

George Gallup, Jr.
President

James Shriver, III
Managing Editor

John F. Nader
Associate Editor

June 25, 1981

Mr. Grant S. Mickins, Director
Human Rights Commission
Suite 501, 1095 Market Street
San Francisco, CA 94103

Dear Mr. Mickins:

We appreciate your writing us in regard to the question we asked dealing with the issue of Affirmative Action, and for the attached documents.

Your comments and the documents sent will be of great help in the formulation of future questions in this area.

With admiration for your efforts in the area of Human Rights, I am

Sincerely yours,

George Gallup Jr.

CC:m

Mr. Mickins' response went to Mr. Gallup on June 10, 1981.

- From Chelsea A. Baylor, Aide to Supervisor Doris M. Ward, informing that Supervisors Ward and Molson jointly sponsored legislation to urge that San Francisco Public Health Hospital remain open. The HRC on May 28, 1981, formally voted to oppose the closing of the S.F. Public Health Hospital as proposed by the Reagan Administration.

- From Benjamin L. Hooks, Executive Director, National Association for the Advancement of Colored People, thanking Director Mickins, on behalf of the entire NAACP, for his response to the Gallup Poll (see above letter from Mr. Gallup).

- From Judith L. Teichman, Deputy City Attorney, enclosing a copy of the State Fair Employment and Housing Commission's announcement of the upcoming review of its regulations. Director Mickins said that the HRC will appear at one of the upcoming hearings to comment as invited as respects the HRC's affirmative action obligations.

- From Connie Bryant, Coordinator, Committee to Save Legal Services, requesting LRC support for an advertisement to be run opposing the Reagan Administration efforts to withdraw federal funding from the Legal Services Corporation.

- To Mayor Dianne Feinstein, from Commissioner Sevilla, Corresponding Secretary, and Owen Craig, President, Harvey Milk Gay Democratic Club, stating support for the proposal by Supervisor Harry Britt to establish an Office of Citizen Complaints.

- From Mayor Feinstein, a copy of a Memorandum sent to all department heads, boards and commissions, attaching a booklet on "Working Smarter: An Approach to Improving the Quality of Working Life," a San Francisco Labor-Management Work Improvement Project.

- From Rudy Nothenberg, Executive Deputy, Fiscal and Program Administration, Office of the Mayor, a copy of a Memorandum sent to Chairpersons of all boards, commissions and administrative department heads, relative to the Annual Report for the Fiscal Year 1980-81 due by September 15, 1981 in the Mayor's Office.

- From Leonard Bachman, M.D., Assistant Surgeon General, Acting Director, Bureau of Medical Services, U.S. Department of Health and Human Services, regarding the LRC's position opposing the closing of U.S. Public Health Hospitals, including the one in San Francisco. Dr. Bachman stated that "the Administration believes that Federal involvement is no longer called for in this area," but that it plans to work with local community leaders so that "those desiring to maintain the hospitals and clinics may take them over."

- From Judith L. Zeichman, Deputy City Attorney, enclosing to Chairperson Morrissey a copy of a letter and corrected pages for the Fisherman's Wharf decision. This was a three-man unanimous decision announced June 19, 1981 by the state Court of Appeal rejecting the legal challenge to the LRC's affirmative action authority by Port Commission lessees which joined with Alioto's Fish Company, Ltd in an action involving some fifteen Wharf restaurants.

**** It was announced at this meeting that the California Supreme Court on August 12 refused plaintiffs' appeal for a hearing on the Court of Appeal decision.

- From Mayor Feinstein, announcement of the Mayor's Cash Awards for Managerial Excellence, sponsored by the San Francisco Planning and Urban Research Association (SPUR), to be given "an outstanding public manager in City government".

- From Dexter Henderson, Coordinator of the Handicapped Program for California State University and Colleges, enclosing to Director Mickins a copy of the State Personnel Board's Affirmative Action for the Disabled Guidelines.

- From Bobby D. Doctor, Regional Director, Southern Regional Office, U.S. Commission on Civil Rights, announcing the Conference for Minority Voting Rights in the South scheduled for Atlanta August 21 and 22, 1981.

- From Judith L. Zeichman, Deputy City Attorney, copies of the formal documents submitted by Alioto's Fish Company, Ltd., et al., to the California Supreme Court August 6, 1981. See earlier reference in this Communication section to the Court's refusal to grant a hearing.

- From Rosalind Wolf, Administrative Aide to Supervisor Nancy G. Walker, a copy of a draft resolution prohibiting sexual harassment by City officials, agents, and employees sent for review by Phyllis Walker, Deputy City Attorney. Director Hickins said that efforts by the HRC to obtain positive action on his issue from the Civil Service Commission have thus far been unsuccessful.

- From Gwenn Craig, President, and Richard A. Sevilla, Corresponding Secretary, Harvey Milk Gay Democratic Club, a copy of a letter sent all Supervisors and other groups, reaffirming the Club position in support of proposed ramps at the Polk Street entrance of City Hall for disabled people. See New Matters section of these Minutes.

DIRECTOR'S REPORT

- Alioto's Fish Company, Ltd., et al., vs. HRC.

See Communications for copies of briefs Judith Teichman has provided the HRC regarding the petition by plaintiffs to the California Supreme Court for a hearing on the decision by the state Court of Appeal on June 19 unanimously upholding the HRC's affirmative action authority over Fisherman's Wharf restaurants holding Port Commission leases.

- Prevailing Wage.

The HRC's Chapter 12B has a clause which requires that City contractors be in conformity with prevailing wages in the Bay Area. Supervisor Quentin Kopp has attempted, Director Hickins said, twice through committees of the Board of Supervisors, to have the prevailing wage conditions deleted, but without success. The Board also refused at a regular meeting to take this action. In late July, during Director Hickins' brief vacation, Chief Purchaser Joseph Cavin informed the HRC that he would not process any City contracts without each having been certified by the HRC staff for conformity with the prevailing wage stipulation. This resulted, temporarily, in the holding up of major purchase orders by some City departments that must make daily purchases, such as for food and other supplies at the S.F. General Hospital, and the Juvenile Hall. Eventually, the matter was corrected when the Mayor's Office asked the Purchasing Department to continue processing these contracts.

STANDING COMMITTEES
Gay Advisory Committee
Phyllis Lyon, Chairperson

- Proposed Adoption of Resolution Regarding the City Attorney's Position on Article 33 of the San Francisco Municipal Code (Police Code)-Gay Rights Ordinance.

Commissioner Lyon said that the Gay Advisory Committee had adopted the proposed Resolution, which arises out of the public announcement reporting that City Attorney George Agnost had stated, in comment on a sexual orientation discrimination lawsuit being brought against the City by Michael Paines, that Article 33 may be unconstitutional.

She reported that the Board of Supervisors on August 10 at its regular meeting unanimously voted to officially advise Mr. Agnost to "defend Article 33." The San Francisco Examiner, Commissioner Lyon said, wrote that the Board by a resolution adopted 7-0, "ordered City Attorney Agnost to defend his stand on Article 33.

The proposed HRC Resolution from the Gay Advisory Committee, provoked long and detailed discussion among the members of the HRC.

Chairperson Morrissey reported that he spoke to City Attorney Agnost recently on this issue, and that the latter stated he is preparing a written statement on his position which will be provided the HRC as soon as it is completed. He stated that at the time Article 33 was being proposed for adoption, his office had reviewed it only for form, not for constitutionality.

Commissioner Lyon commented that this point (review for constitutionality)is addressed in the proposed Resolution where it states the City Attorney has the obligation to make such a review and inform the Board of Supervisors "of such deficiencies in advance."

Commissioner Yamakawa commented that it might be wiser to instruct the City Attorney to waive whatever defense there may be on that issue as opposed to removing himself from the case. If the latter, he said, the City may retain independent counsel, who would therefore be free of the obligation to review (Article 33).

This line of discussion then led to Commissioner Lyon's suggesting that the issue of constitutionality be removed from the proposed Resolution.

It was agreed, before further action, to remove one resolve proposed by the Gay Advisory Committee calling for the City Attorney to remove his office from the (Michael Haines) case "because he has placed that office in a conflict of interest by mounting a constitutional challenge to a duly-adopted law he was obligated to review for the Board of Supervisors and is now obligated to defend."

With re-writing of the final resolve, it was

*****r/s/c to adopt the Resolution Regarding the City Attorney's Position on Article 33 of the San Francisco Municipal Code(Police-Code)-Gay Rights Ordinance. The full text is attached to these Minutes.

- Recommended Adoption of Resolution Opposing the Family Protection Act of 1981.

This Act has been introduced in the Congress in Sessions for several years, under a variety of numbers, both in the Senate and the House of Representatives. The most recent, H.R. 3995, was introduced June 17, 1981. The Senate bill is S.B. 1378, and there is another House bill, H.R. 311.

The Resolution as proposed for HRC adoption contained nine points on which the Committee, which adopted it August 4, 1981, says the Act "directly opposes" all the HRC has stood for over the years. The Committee held that the Act:

1. Denies federal funds to states that do not allow prayer in public buildings, or that require public school teachers to belong to a union.

2. Gives local schools authority over sex-intermingling in sports and other school activities, exempts private schools from National Labor Relations Board jurisdiction, grants tax exemption to parent-run schools, and denies federal courts jurisdiction over the issue of voluntary prayer in public buildings and the issue of state requirements for teacher selection and promotion.

3. Provides that no federal funds can be used for the "purchase or preparation of any educational materials or studies relating to the preparation of educational materials, if such materials would tend to denigrate, diminish, or deny the role differences between the sexes as they have been understood historically in the United States."

4. Forbids federal intervention in state child abuse statutes and specifically exempts "discipline or corporal punishment methods applied by a parent" or an individual authorized by a parent.

5. Prohibits federal interference in state laws relating to spousal abuse or domestic relations.

6. Mandates informing parents when an unmarried minor receives contraceptive appliances or abortion-related services from a federally supported organization.

7. Denies use of Legal Services Corporation money for litigation in abortion issues, school desegregation cases, divorce cases, and homosexual rights.

8. Denies federal money to any public or private individual, group, foundation, commission, corporation, association or other entity for the purpose of advocating, promoting or suggesting homosexuality, male or female, as an acceptable alternative lifestyle.

9. Prohibits consideration of discrimination against declared homosexuals as an "unlawful employment practice."

- Commissioners were provided in advance with a Summary of the Family Protection Act for their background information.

Commissioner Morrissey stated that at his request Director Hicklins had sent him a copy of the Act as proposed in H.R. 311. He said that it seemed to him that the bulk of the contents of the Act relate to taxation and to education and to tax relief for persons supporting the elderly or handicapped relatives. He said that he felt there was no time constraint requiring immediate HRC action on it. He urged that it be examined by Youth and Education Committee and possibly the Police Liaison/Social Issues Committee.

Commissioner Lyon said she felt that there was an urgency to mobilize public opinion and public action regarding those portions of the Act that the Committee has identified as inimical to the interest of Gay and Lesbian people, of women, of children, of persons supporting abortion, opposing required prayers in public schools, etc., as outlined above. She also stated that the Act may be changed, that it might have various sections removed, or introduced separately, or it may be amended.

Commissioner Sevilla concurred with Commissioner Lyon's concern that there is a time urgency in the HRC's taking a position.

Commissioner Weiner, following up on Commissioner Lyon's comment that there were "some good things" in it, noted that a proposed Resolution might include wording that states that there "are several admirable aspects, but that its primary intent" is inimical to the rights of women, labor, racial minorities, etc.

Commissioner Morrissey reiterated that he felt all members of the HRC had not had a chance to read the full bill, and that he personally "didn't read it as Commissioner Lyon does."

At this point, Mrs. Lennie Caines, from the audience, who identified herself as a Tax Examiner for the federal Internal Revenue Service, and a victim of pernicious anemia, read a prepared state-

rent urging that the HRC appoint a special citizens' committee to study H.R. 311, which she called " a Bill Against Parental Rights."

Ms. Mary Ann Schwab, from the audience, who identified herself as a longtime community worker, recruiter of disadvantaged girls for the Job Corps, and presently working on a Committee to Mainstream the Handicapped, spoke in opposition to the proposed Resolution, saying that the major portions of the Act address tax incentives for families in hardship, caring for handicapped relatives. She said she felt the proposed Resolution was worded too generally, and that although it may contain parts the Committee and/or HRC find objectionable, it needs to be studied further.

Commissioner Hezey stated that in her opinion the "good" portions of the Act have been included in order to make it legislatively palatable. She said that those good sections can be passed in future bills if they have significant support, and that they need not be included along with what she called "the pernicious aspects" of the Act.

At this point Leonie S. Watson, M.D. from the audience also spoke in opposition to the proposed Resolution. She said the Act would assist parents like herself with handicapped children (her son has Down's Syndrome) to provide for their education. She, too, said that the objectionable parts of the Act are overshadowed by the beneficial ones.

Commissioners Grafilo, Lee, and Chung several times spoke of their support for referring the proposed Resolution and the Family Protection Act of 1981 to Committee for further study.

Commissioner Wade stressed that in her opinion the aspects of the Act that have been identified as objectionable will remain so no matter how much study is made of it. She said they are directly opposed to what the HRC has stood for, and she stated her support for the Resolution as proposed.

Commissioner Sevilla proposed a number of wording changes as amendments to the proposed Resolution.

There was also a motion to postpone action on the proposed Resolution to the HRC meeting of September 10. This motion took precedence over the action on the Sevilla amendments, and it was

*****r/s/c that HRC action on the proposed Resolution Opposing the Family Protection Act of 1981 be postponed until the HRC meeting of September 10, 1981. Director Hickins was asked to provide copies of the Act to all members of the HRC. Commissioner Lyon, Sevilla, and Wade asked that their No votes be recorded.

and it was

*****r/s/c unanimously to adopt the Sevilla wording amendments, which add that there are "several admirable aspects to Family Protection Act of 1981, namely, Title II-Taxation, Sections 201 and 204,".

- Chairperson Morrissey referred the Act and the proposed Resolution as amended to the Youth & Education and Police Liaison/Social Issues Committees.

- Recommendation that Letter be Sent to Fire Chief Andrew Casper Concerning a South of Market Area Fire in June 1981.

Copies of this letter were provided in the Commissioners' packets. Its closing paragraph called for Fire Chief Casper

to provide "the following statistics within thirty days: 1) the statistics concerning convicted arsonists in the last three years in San Francisco as to how many of them were Gay men, and 2) how much of the arson fires in the last three years in San Francisco involved Gay-male-owned property."

This request, Commissioner Lyon said, and the letter includes, is in response to a statement published in the San Francisco Progress July 15, 1981 quoting Deputy Chief Ray Landi of the Arson Task Force that "Gay men have a proclivity to set more and larger fires because of revenge."

The HRC letter was then, after Commission discussion, changed to read:

"We are asking for any documentation, within 30 days, which verifies the statement by Deputy Chief Ray Landi that Gay men are more inclined to arson than others."

It was then,

****m/s/c that the letter as amended be authorized to be sent over the signature of Chairperson Morrissey to Fire Chief Andrew C. Casper. The full text is attached to these Minutes.

- Committee Report.

The Gay Advisory Committee at its August 4 meeting heard from Greg Day, Co-Director of the Lesbian/Gay Freedom Day Parade which was held through downtown San Francisco and at the Civic Center June 28, 1981. Mr. Day charged that a number of instances of alleged brutality and general misconduct have been reported regarding actions of members of the San Francisco Police Department. The Committee has written the Lesbian/Gay Freedom Day Committee supporting its efforts to obtain an investigation of these charges. When testimony is complete, the Committee will ask the HRC to take further action.

EMPLOYMENT

- Contract Compliance Report on Commission on Aging Contracts-Mary Gin Starkweather, Contract Compliance Representative.

Copies of Ms. Starkweather's extensive narrative and statistical reports of her work in 1980 and 1981 with contractors to the Commission on the Aging were provided in advance to the members of the HRC, and they had been discussed by the Employment Committee. Beginning with the fourth paragraph of this section, the following is taken verbatim from Ms. Starkweather's report.

Ms. Starkweather reviewed the history of HRC involvement as the contract compliance agency for the Commission on the Aging, and the history of the funding setup for the Commission on the Aging through Board of Supervisor's legislation alloting 33 1/3 of the monies collected through the City parking tax for senior citizen programs. Some $2.4 million was disbursed by the Commission in 1979-80, and $2,020,727 in the 1980-81 Fiscal Year. Some fifty or more agencies service senior citizens throughout San Francisco.

Ms. Starkweather described in some detail the method of monitoring contractors, reporting that for the most part, excellent rapport and cooperation has been experienced between HRC staff and the funded agencies.

In 1980, the different agencies had been allocated anywhere from about $3,000 to nearly $250,000 depending on size, population supplies, and staffing needs. The average allocation was about $30,000.

Staff chose initially to monitor all the agencies regardless of amount of funding received because 1979-80 was the first time they were being monitored and it was desirable to obtain an Affirmative Action Agreement from all City contractors.

The following format is followed in obtaining a finalized, approved Affirmative Action Agreement:

1. Staff analyzes the workforce data and other information provided on the returned questionnaire.

2. A meeting is then arranged with a representative of the agency to negotiate realistic goals and timetables to be used as guides in future employment. Prior to the meeting, the representative is provided with a draft of a proposed Affirmative Action Agreement specifically tailored to his/her agency's employment pattern.

3. After the meeting, a formal Agreement is mailed to the agency for final signature and then returned to staff for HRC signature.

4. The original executed Agreement is then returned to the agency along with a Certification of the Agreement signed by HRC staff. Copies of both documents are retained for HRC and Commission on Aging files.

If an agency has a very small staff and/or negligible turnover, HRC staff requests information pertaining to the businesses which are suppliers of goods or services for the senior programs. HRC staff will then negotiate with the agency to consider minority businesses as their suppliers.

Staff has set up a "tickler file" system by date to keep track of follow-up monitoring of the agencies. Depending on various factors, including previous good faith efforts in affirmative action, size and turnover of staff, and dollar amount of funding, staff is requesting that the agencies report on a quarterly, semi-annual, or yearly basis.

To date, staff has negotiated a total of fifteen formal signed Agreements and the remainder are at various stages of the negotiating process.

For the 1980-81 fiscal year the San Francisco Commission on Aging received a total of $2,020,727 in parking tax funds for distribution to agencies serving senior citizens of San Francisco. Of this amount, approximately 2/3 of the money is used for personnel costs, with the remainder spent on food and supplies.

Therefore, the major thrust in monitoring these contractors has been in the area of employment rather than obtaining minority subcontractors. Agreements have been reached which include MBE (Minority Business Enterprise) provisions. However, it is not a standard provision in each agreement.

Also, there are several agencies which, because of their unique services to a select mono-lingual community, are almost exclusively mono-racial. These agencies are especially encouraged to hire disabled and ex-offender employees in order to provide employment opportunities to these groups which traditionally have experienced extreme difficulty in obtaining employment.

In 1980, the Commission on Aging funded 40 contractors with a total of 1,812 employees. Of these employees 35% were male and 65% were female. The minority races were represented as follows:

	Male	Female	Total
American Ind./Alsk. Nat.	.06%	.05%	1.1%
Asian or Pacific Is.	6%	10%	16%
Black	8%	21%	29%
Filipino	1%	1%	2%
Hispanic	4%	12%	16%
Total Minorities	19%	44%	63%

The highlights of the racial breakdown by sex are as follows:

	% Male	% Female
American Ind./Alask. Nat	.2%	2%
Asian or Pac. Islander	16%	18%
Black	24%	33%
Filipino	4%	2%
Hispanic	10%	18%
Total Minorities	59%	68%

In 1981, the Commission on Aging funded 39 contractors with a total of 1,686 employees. Of these employees 41% were male and 59% were female. The minority races were represented as follows:

	Male	Female	Total
American Ind./Alask. Nat	.8%	.6%	$1.4%
Asian or Pac. Islander	7%	8%	15%
Black	11%	13%	24%
Filipino	2%	2%	4%
Hispanic	4%	7%	11%
Total Minorities	23%	31%	54%

The highlights of the racial breakdown by sex are as follows:

	% Males	% Females
American Ind./Alask. Nat.	2%	1%
Asian or Pac. Islander	5%	13%
Black	28%	22%
Filipino	6%	4%
Hispanic	10%	12%
Total Minorities	57%	52%

The apparent decrease in some of the minority figures from 1980 to 1981 does not necessarily indicate a lack of good faith efforts on the part of the Commission on Aging Contractors. Rather it has been caused by the fact that 10 agencies were added which employ smaller numbers of people.

Disabled

In 1980 disabled persons made up less than 2% of the entire workforce. They represented 3% of the male employees and 1% of the female employees.

In 1981, disabled persons made up just 2% of the entire workforce. They increased to 4% of the male employees and 3% of the female employees.

Staff considers this to be significant progress in spite of its small increase, partially because the 1980 figures include employees at the California League for the Handicapped and the 1981 figures do not because that agency was not funded for the 1981-82 fiscal year.

The figures indicate that organizations which do not serve primarily disabled persons may be becoming more aware of the employment problems of disabled persons.

The HRC staff will continue to negotiate Affirmative Action Agreements with the contractors, emphasizing especially the need to recruit and hire more Filipino and Hispanic persons.

It was

****m/s/c that the HRC accept the Contract Compliance on Commission on Aging Contracts.

- Director Hickins, asked about the status of work with the banks on affirmative action, reported that he met June 27 with Bruce Nelson, of Morrison & Foerster, representing the Bankers Clearinghouse Association, to try to resolve the banks' long-standing resistance to HRC affirmative action requirements. Commissioner Yamakawa and Deputy City Attorney Teichman also attended that meeting, which did not reach a resolution of the problem. Further meetings are scheduled.

Mr. Hickins said that the banks and many other employers are resisting with great fervor the HRC requirement that Filipinos be counted separately on employee workforce breakdowns for purposes of affirmative action. He said most employers insist that the federal guidelines, which do not require separate listing for Filipinos, should apply. The State of California requires a separate listing, but only by public agencies.

Mr. Hickins noted also that the HRC staff currently finds itself having to meet only with legal representatives of private industry, rather than management, and he said the HRC must give consideration to how it can have more legal support internally to carry on these contacts.

NEW MATTERS

- <u>Ramps for the Disabled at City Hall</u>- Commissioner Sevilla

Commissioner Sevilla, after the HRC had voted permission to consider a matter not on the announced agenda, introduced Ms. Kathi Smith, of Hospitality House, who, using blueprints of City Hall's exterior and interior, gave a detailed presentation on the proposed Phase III-Design of the Polk Street Proposed Ramp Entrance to City Hall. Bids are due to be let September 15.

According to Ms. Smith, the estimated cost of this accessibility work to the City has risen from some $400,000 to more than $500,000. She said that the ramps will in no way detract from or mar the classical facade of the Polk Street Entrance of the City Hall, built in 1915. There has been public controversy and debate over the esthetic aspects of this work. She described in detail the difficulties for handicapped persons who must now use the sloping driveway entrance to City Hall on the Grove Street side, and, if no guard is present, must use a call phone, awkwardly situated, to ask a security guard to admit them.

In response to a question about support and opposition from Commissioner Grafilo, she said the Planning and Art Commissions

and the Bureau of Architecture support the ramp plan for Polk Street, but that the Landmarks Preservation Board was split in its opinion.

It was then

*****m/s/c to endorse the Phase III-Design of the Proposed Ramp at the Poll Street Entrance to City Hall.

- Proposed PositionPaper Urging Permanent Resident Alien's Eligibility for Federal Employment - Commissioner Lee.

Consideration of this draft of a proposed HRC Position was referred to the Employment Committee by Chairperson Morrissey. Though the State of California and the City and County of San Francisco offer civil service employment to Permanent Resident Aliens, the federal government, still operating under an Executive Order issued by President Gerald Ford in 1970, does not.

- Statement Honoring Commissioner Bernadette Giles - Commissioner Mezey.

Commissioner Wade, on behalf of Commissioner Mezey who had to leave the meeting early, read in full the following Statement of Commendation for Commissioner Bernadette Giles, which she suggested be sent with a transmittal letter from Director Hickins.

"We take particular note of the resignation from the Human Rights Commission of Sister Bernadette Giles. We have all benefited from association with her, finding in her a friend of unusual warmth, a dedicated colleague with great professional skill, and a respected symbol of the work of our Commission in the larger community of San Francisco.

We will miss her, but will be happy in the knowledge of the years we've spent together.

- Commissioner Mezey announced that a reception will be held in October at her home in honor of Commissioner Giles when a date convenient to her has been set.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, September 10, 1981 at 10:15 AM in the Third Floor Commission Room of the Main Library.

- The Appeal Hearing in the HRC Complaint of Noncompliance against T.F. Lathrop Construction Co. will be held at 10 AM, Thursday, September 17 in the Third Floor Commission Room of the Main Library.

STANDING COMMITTEES

Employment	Thursday, September 3, 1981 9:30 AM 670 Market Room 920
Gay Advisory	Tuesday, September 15, 1981 Noon Civic Center Library, 3rd Floor, Commission Room
Housing and Urban Development	To be announced

Police Liaison/ Social Issues	Wednesday, August 26, 1981 3:30 P.M. HRC Offices, Room 509
Youth and Education	Monday, September 21, 1981 3:30 P.M. John Adams Community College Center 1860 Hayes Street

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins III
via Jack Casford

CSM:JC:sa
3/25/81

City and County of San Francisco

Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution

Attachment #1

HUMAN RIGHTS COMMISSION
RESOLUTION
REGARDING THE CITY ATTORNEY'S POSITION ON ARTICLE 33
OF THE MUNICIPAL CODE (POLICE CODE) - Gay Rights Ordinance.

WHEREAS, the Human Rights Commission of San Francisco is dedicated to defending the civil rights of Lesbians and Gay men in San Francisco through the duly adopted ordinances of the City and County of San Francisco; and

WHEREAS, it is the obligation of the City Attorney of San Francisco to uphold ordinances duly considered and adopted by the San Francisco Board of Supervisors and specifically to defend such laws from legal challenge upon a request by the San Francisco Board of Supervisors; and

WHEREAS, the San Francisco City Attorney's Office has the further obligation to review ordinances presented to the Board for constitutional deficiency and to inform the Board of such deficiencies in advance; and

WHEREAS, the City Attorney's Office of San Francisco had the opportunity in 1977 and 1978 to review Article 33 of the Police Code (the San Francisco Gay Rights Ordinance), knew of positive constitutional precedent at that point, and did not then apprise the Board of Supervisors of any perceived constitutional deficiencies, the said ordinance being duly considered and adopted by the Board thereafter on a 10-to-1 vote; and

WHEREAS, the City Attorney, in defending a suit against the San Francisco War Memorial Board (No. 769-733, Superior Court) now raises constitutional objections to Article 33 of the Police Code (San Francisco's Gay Rights Ordinance) and, thereby, seeks to have a portion of the ordinance declared null and void,

NOW, THEREFORE, BE IT RESOLVED, that the Human Rights Commission of San Francisco strongly censure the City Attorney for attempting to nullify a portion of Article 33 of the Police Code and deprive the City's Lesbian and Gay population of important civil rights protection afforded them under that ordinance; and

BE IT FURTHER RESOLVED, that the Human Rights Commission of San Francisco commend the Board of Supervisors for its action August 10, 1981 ordering the City Attorney to defend Article 33 of the San Francisco Municipal Code (Police Code) - Gay Rights Ordinance.

###############

Resolution 4-81
Adopted by the HRC 8/13/81

(415) 558-4901 Suite 501, 1095 Market Street San Francisco 94103

City and County of San Francisco

Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution

Attachment #2

August 13, 1981

Andrew C. Casper
Fire Chief
260 Golden Gate Avenue
San Francisco, California 94102

Dear Chief Casper:

The unfortunate July 10, 1981 South of Market fire, while physically well-controlled by the Fire Department, has had ramifications far exceeding the actual fire. Unfortunately, untrue and prejudicial remarks were made during and after the fire which sensationalized the Lesbian/Gay lifestyle and actually perpetrated misinformation about a minority community who has had their share of that and has suffered because of it.

Information was given out that the fire began in a Gay S & M bathhouse, when, in fact, the building had been unused for quite some time and was being renovated into a hotel. Blatant remarks about possible bodies being burned due to S & M bondage and other sensationalistic images were spewed forth publicly by City officials with no substantiation. Public officials have a duty not to make official remarks which might prove detrimental to a people or to incite scapegoating. Policy re: the Use of Slurs by City Officials and Employees, a copy of which is enclosed, condemns such statements and considers them in the evaluation of job performance.

What happens in San Francisco does not simply affect San Francisco. Public media swiftly picked up the story because it held such anti-Gay sentiments. Reports from Lesbians and Gay men throughout the country have been received. These people live mostly in more isolated and less receptive places then San Francisco, and this story fueled the growing hatred and violence directed against Lesbians and Gay men stirring in the country. Here in San Francisco, a man was brutally beaten, losing an eye, outside of one of the bars discussed in the news account.

Deputy Chief Ray Landi of the Arson Task Force was quoted as saying in The San Francisco Progress (July 15, 1981) that Gay men have a proclivity to set more and larger fires because of revenge. When he was questioned about this, he said that he had been misquoted and sent a letter stating such to The Progress. Unfortunately, his letter held the same kind of speculation that his original statement made.

The Human Rights Commission finds that speculative statements made without facts by City officials deplorable and irresponsible. We demand that all statements, make either by the Chief or subordinates, be checked for accuracy. We are asking for any documentation, within thirty days, which verifies the statement by Deputy Chief Ray Landi that Gay men are more inclined to arson than others.

Very truly yours,

John C. Morrissey
Chairperson

JCM:PL:JW:gm

cc: Mayor Dianne Feinstein
Fire Commission
Ray Landi, Deputy Chief of Arson Task Force
M. Marvin Johnson, Editor and Publisher, The Progress

HUMAN RIGHTS COMMISSION

September 10, 1981

The Minutes of this meeting are missing.

DOCUMENTS DEPT.

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, September 24, 1981
Commission Room, Main Library

****
* NEXT MEETING *
* *
* Date: Thursday, October 15, 1981 *
* Time: 10:15 AM *
* Place: Third Floor Commission Room *
* Main Library, Civic Center *
****

ROLL

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

ROLL CALL

Commissioners

Present: John C. Morrissey (presiding), Lia Belli, Robert D. Edwards, Pius Lee, Phyllis Lyon, Clemente Obregon, Richard Sevilla, Rabbi Martin S. Weiner

Excused: Samuel Chung, Antonio Grafilo, Joan Zamora Moulton, Brenda K. Wade, David K. Yamakawa

Staff: Grant S.Mickins, Richard Morton, Vicky Rathbone, Gail Roberts, Essie Thomas, Jackie Winnow

Pledge of Allegiance

Minutes of September 10, 1981 approved with the following changes:

- Standing Committees; Gay Advisory Committee, Page 3, Paragraph 6 should read:

"The following people addressed the Commission:
- Del Martin, Coalition for Justic for Battered Women, author of the book Battered Wives, and a member of the California Commission on Crime Control and Violence Prevention."

- Standing Committees, Gay Advisory Committee; Page 8, Paragraph 9 should read in part:

"Chairperson Morrissey believed that the Commission still did not have enough information and that the most objectionable part of the bill, pertaining to Legal Services and homosexual rights, had already been passed by Congress (as the Mc. Donald amendment.)

- New Matters, second item (Page 9) should read:

"Commissioner Lyon proposed that a letter be sent to former HRC Commissioner Lillian Sing congratulating her on her recent appointment as a Municipal Court Judge in San Francisco.

COMMUNICATIONS

- From Rosalind Wolf, administrative assistant to Supervisor Nancy Walker, a copy of the City Attorney's revised draft of the Sexual Harassment Ordinance to be heard by the Board of Supervisors' Legislative and Personnel Committee on Tuesday, October 6. Director Mickins commented that HRC has been in the forefront of getting this legislation adopted.

- From Judith L. Teichman, Deputy City Attorney, a memo informing HRC that the Fisherman's Wharf restaurants has filed a "Notice of Appeal" to the U.S. Supreme Court in the Alioto's Fish Co. vs HRC case. The plaintiffs now have 90 days from August 12, date of the California Supreme Court decision denying the request for a hearing, to file a petition for a "Writ of Certiorari . Issuance of the writ is discretionary. In the the meantime, unless plaintiffs obtain a stay of execution of the state court judgement, HRC may proceed with enforcement of Chapter 12B with the restaurants.

- From Chairperson John C. Morrissey to Mrs. Peter Mezey, thanking her for her great contribution to the HRC and telling her that while her involvement in the Commission's day to day work will be missed, her continuance as a Friend of the Human Rights Commission is much appreciated.

- From Mayor Feinstein and Roger Boas, Chief Administrative Officer, to all City Departments, urging energy conservation.

- From Joan Dillon, President, Local 400 inviting Grant Mickins to speak at the dinner honoring Vince Courtney on Friday September 25, 1981 at 6:00 p.m. at the Presidio Officer's Club. Mr. Mickins said Vince Courtney had recently resigned as Executive Secretary of Local 400 after many years of involvement with City government and Civic Affairs.

- From George Agnost, City Attorney, requesting that HRC review his letter to the Board of Supervisors on the Michael Raines vs The San Francisco War Memorial Board of Trustees case plus attachments to the letter consisting mostly of the Board of Supervisors' legislative record regarding the case. He hoped that such a review might lead the HRC to modify or rescind its resolution censoring the City Attorney's Office for pleadings issued in the case. The letter was referred to the Gay Advisory Committee for consideration.

DIRECTORS REPORT

= There are currently two vacancies on the HRC created by the resignations of Commissioners Sister Bernadette Giles and Caryl Mezey. The Mayor has appointed Mr. Thomas Ambrosio, a former Jesuit Priest and Executive Director of the Commission on Social Justice of the Arch Diocis of San Francisco, to one of these vacancies. The Swearing In Ceremony will be at 12:00 am. in the Mayor's Office on Tuesday, September 29, 1981.

Commissioner Lyon emphasized that there are now only four women on the Commission and expressed her hope that the remaining vacancy will be filled with a woman.

- The appeal hearing of the Director's finding of non-compliance against Lathrop Construction Company on Airport Contract No. 1100, Boarding Area E, is scheduled for Friday, October 9, 1981 and Tuesday October 13, 1981 at 8:30 a.m., at Congregation Sherith Israel, 2266 California Street. Director Mickins said that Lathrop Construction Company has received in excess of $100 million in construction contracts over the last 8 or 10 years and has been a continual source of compliance problems with the affirmative action requirements. HRC efforts to correct these problems have met with limited success. It is particularly important to hold the appeal hearing at this time because it will determine Lathrop Construction Company's right to bid on $35 million of up-coming Airport Consturction contracts.

- The Board of Supervisors is currently reviewing staff recommendations from the Office of Community Development concerning this year's program funding. HRC has been recommended for $145,000 this year (a substantial increase over the $65,000 HRC received last year) to fund contract compliance and Fair Housing Programs.

STANDING COMMITTEES

EMPLOYMENT COMMITTEE

Daivd K. Yamakawa Jr., Chairperson

- Proposed Revisions of HRC's Affirmative Action Requirements for Architects, Engineers, Planners & Environmental Scientists. Vicky Rathbone, HRC Contract Compliance Officer.

The Employment Committee on August 6, 1981 voted to recommend to the HRC adoption of a staff recommendation to amend the current employment goals for minorities and women on design and planning consulting contracts.

The current minority and women hiring goals were established in 1979. They reflect the average employment of minorities and women in firms that submitted proposals to the City during the preceeding six months. The new goals listed below are based on workforce data collected over the last eighteen months. The aim was to increase the data base to avoid percentages weighted too heavily by certain firms whose employment profile was not necessarily representative. Many of the goals have remained unchanged. The changes are a reflection of the wider data base and should be more realistic, eg. in Environmental Impact Planning.

(The current professional level goals are indicated in parenthesis where changes have been made. Where no percentage amounts are indicated in parenthesis, no changes have been made in the current professional level goals.)

The new goals for techicians were added as technical skills (drafting, inspecting, laboratory aid, etc.) were more closely related to the different design disciplines than we had realized two years ago.

Professionals (at least a Bachelor's degree)

Architecture:	Minority Employment	20% (30%)	Female Employment	20% (30%)
Landscape Architecture:		10% (15%)		20% (30%)
Environmental Impact Planning:		15%		20% (40%)
Civil/Sanitary Engineering:		20% (15%)		10%
Structural Engineering:		30%		5%
Mechanical/Electrical Engineering:		30%		10% (5%)
Geotechnical Engineering:		20%		20% (10%)
Testing Laboratories:		15%		10%

Technical Staff (working in a technical field but without a Bachelor's degree eg. drafting, lab. aides, inspectors etc.)

Architecture:	Minority Employment	30%	Female Employment	30%
Landscape Architecture:		20%		30%
Environmental Impact Planning:		20%		30%
Civil/Sanitary Engineering:		30%		20%
Structural Engineering:		40%		10%
Mechanical/Electiral Engineering:		40%		20%
Geotechnical Engineering:		30%		30%
Testing Laboratories:		25%		5%

Administrative Staff (non-technical employees eg. clerical staff, accounting business development, office management)

Minority: 30%

At its August 6 meeting, the Employment Committee also recommended that the HRC adopt new language clarifying the contracts covered by the affirmative action requirements. The requirements currently apply to projects over $30,000. It is recommended that the requirements be amended to apply to projects of at least $30,000. The clarification is needed as the current language has been interpreted to exclude contracts of exactly $30,000 whereas HRC's original intention and its committment to minority professional groups was to include contracts of exactly $30,000.

After discussion, it was m/s/c that HRC adopt the revisions to HRC's Affirmative Action Requirements for Architects, Engineers, Planners and Environmental Scientists.

- Employment and Training Report: Architects, Engineers, Planners and Environmental Scientists. Vicky Rathbone , Contract Compliance

The report covered the continuing work of the HRC in the pre-construction phase of San Francisco- Funded construction projects. Before construction actually begins, a variety of consultants are hired for the planning and design phase. Over this last year HRC has worked with structural engineers, mechancial/electiral engineers, soils engineers, sanitary engineers, architects, environmental scientists , urban planners, public participation experts, landscape architects, economists, construction management experts archeologists, photographers and printing firms. Most of these Consultants were working on the following construction projects, currently funded by the City.

1. Clean Water Program. Twenty-three (23) prime consultants and sixty (60) subconsultants on twenty-three (23) projects. Major projects include the $9,000,000 Bayside and Cross Town Tunnel Planning Study, related environmental impact reports, and the design of the South West Treatment Plant. All Clean Water projects currently monitored amount to 30 million dollars in contract fees.

2. San Francisco International Airport. Five prime consultants and 14 subconsultants working on 5 projects. The most important project is the modernization and remodelling of the Central Terminal. There are also a host of smaller projects, mainly connected with temporary relocation of offices, airlines and boarding areas during the Central Terminal remodelling process. All Airport projects currently monitored amount to $4,000.000 in contract fees.

3. Port Commission. Two port projects are currently being monitored, amounting to $205,000 in contract fees. Two prime consultants and six subconsultants are involved in landscaping Pier 3 into a public access/restaurant/office complex and in designing the Pier 35 passenger terminal.

4. Solid Waste Management Program. A consultant and three subconsultants were hired to identify an alternative dump for San Francisco for a fee of $150,000.

5. Planning Department. The Planning Department has recently hired a consultant to perform a design and traffic study of Market Street for a fee yet to be determined. Two subconsultants will be involved.

6. Department of Public Works. We are currently monitoring five public works contracts involving four prime consultants and eight subconsultants for $1,000,000 of contract fees. The projects include designing a gym and recreation center in the Mission District, landscaping McLaren Park and modernizing the fireboat phoenix.

Affirmative Action Programs

HRC negotiates two affirmative action programs with each prime consultant selected to work for San Francisco. The first agreement concerns employment and training and will be the subject of this report. The second agreement concerns minority and woman-owned business participation.

The HRC also negotiates employment and training affirmative action agreements with subconsultants earning at least $30,000 on a project

Selection Process

After four years of sometimes frustrating effort, HRC has succeeded in developing an excellent cooperative working arrangement with most awarding agencies.

When an awarding agnecy is seeking an architect or engineer to provide the City with design consulting services, a request for proposal or RFP

is sent out. The RFP asks interested consultants to submit a proposal specifying how they would carry out the project. Awarding agencies now routinely include HRC's Affirmative Action Program as part of the RFP and the Consultant must respond to the Affirmative Action Program as an integral part of the Proposal. The current Affirmative Action Program differs from earlier versions in that the Consultant is asked to make specific hiring and training commitments for the project. Evaluation of the Consultant's eligibility and the later affirmative action program are based on these commitments.

The most important things HRC looks for in evaluating the response to the Affirmative Action Program are the following:

1. The Workforce

Over the last few years, HRC has accumulated what is probably a rather unique collection of workforce data on design firms submitting proposals to the City and County. The most difficult problem is measuring employment parity for minorities and women in these professions. Their presence has dramatically increased over the last ten years, making census data little better than useless. Moreover, for whatever reason, there seem to be higher numbers of both minority and women architects and engineers in the Bay Area than is true on a national scale. Average numbers of women engineers in the Bay Area, for example, appears to be around 10%, as compared to the 3% figure recently published by Business Week, which is indeed higher than the 1% figure listed in the 1970 Census.

HRC's approach is to keep records of workforce data of all firms submitting proposals to the City and from this data to develop percentages of average employment of minorities and women in the different design professions. These percentages, officially adopted by the HRC, are used as measures of parity in workforce evaluation and are included in the affirmative action program as workforce goals.

The consultant is asked to identify areas of under-representation and to develop hiring goals to achieve parity, or move toward achieving parity, depending on the time constraints of the project and the degree of employee turnover of the firm. In our evaluation we consider both the present levels of under-representation and the consultant's commitment to remedy these areas of under-representation of selected to work for San Francisco.

2. Project Representation of Minorities and Women

The Affirmative Action Program encourages the use of minority and women employees on San Francisco Projects, especially in management and professional roles. The consultant is asked to identify key project personnel according to race and sex, including subconsultant employees working on the project, for HRC evaluation.

3. Training

The affirmative action program sets goals for hiring a certain number of trainees according to the dollar amount of the project. The trainees should be disadvantaged or CETA eligible.

The primary source of on-the-job trainees in the design professions is still ESCAPE. This is an organization that recruits and prescreens disadvantaged and primarily minority persons interested in developing a career in the design professions. Trainees are placed in local design firms for 10 months on the job training, usually in drafting work, and receive a gradually decreasing amount of classroom instruction.

Evaluation of Prospective Consultants

While the awarding agency evaluates the Consultants' technical Proposals for the Project, HRC evaluates the response to the Affirmative Action Pro-

gram. The awarding agency considers the HRC evaluation in its selection of the firm it determines to be the most qualified. If a firm has "zero" in all the above areas, particularly those with specific goals, we indicate that their selection as a City Consultant is unacceptable to the HRC unless changes can be negotiated. In other cases we will give conditional approval, provided minor adjustments can be agreed upon. We strongly recommend selection of those firms with a positive affirmative action record and commitment in relation to the project.

Employment and Training Affirmative Action Agreements

After a consultant has been selected, the Awarding Agency negotiates the terms of the consultant's contract. At the same time, the HRC negotiates an employment and training affirmative action agreement. It is based on the commitments already made in the response to the Affirmative Action Program and is a much simpler process than in the past.

The agreements all include general statements of nondiscrimination in accordance with Chapter 12B. They also include commitments to expand recruitment efforts by advertising in the news media and using minority and women referral organizations on a regular basis. However, the two most important sections of the agreements are the workforce and training goals.

Results

We continue to monitor compliance with the agreements every six months. Information is required on hires, promotions, trainees, students and terminations during the preceeding reporting period. HRC further requires a complete workforce breakdown of each company by name, job title, professional category, salary and disability.

Employment

Minority employment has risen from 12% to 27% since 1977. Employment of minorities in professional positions has risen from 12% - 21% and in technical level positions from 34% - 46% over the same period.

Employment of women in non-clerical positions has risen from 13% - 16% since 1977. Employment of professional women has risen from 10% - 15% while employment of women technicians has remained stable at 20%.

Training

HRC has continued to work successfully and co-operatively with the EEOF program as the following statistics demonstrate:

On the Job Trainees (hired since January 1980)

Black	36
Hispanic	10
Asian	6
Filipino	1
Am. Indian	0
Women	12

At the time of the last report, the Director of the EEOF Program mentioned the increased number of small minority firms working for San Francisco as a result of HRC's minority business enterprise program, and their unwillingness to hire trainees. HRC has worked to correct that problem over the last eighteen months, with very limited success. Most firms claim with some reason that they are simply too small to provide adequate supervision time for the trainees.

Disabled

As HRC only began collecting data on the disabled early this year, information is currently limited to nine firms, three of which have no disabled employees. The remaining six firms are all large or medium sized and list

a total of twelve disabled employees. The disabilities listed are noteable in their severity and that they are found at all levels of the workforce. For example, one firm employs a drafter with a missing left hand. Another firm lists an engineer with only one arm while yet another lists a scientist who is a bi-lateral amputee. A design professional and an office manager are listed as suffering from severe speech disability. An accountant is listed with a crooked spine.

One firm hired two deaf trainees from Workshop for the Deaf in place of hiring an ESCIF trainee. This is a resource which merits future development.

Salary

Information on salaries was also limited to a small number of firms. However, the results were clear. Minority professional and technical employees earn approximately 10% less than their white male colleagues while women earn approximately 30% less. We could find no evidence, however, that minorities and women were paid less than white males holding the same job title. The problem appeared to be that minorites and women were employed predominantly in the lower level job classifications. For example, in civil/sanitary engineering firms only 3% of project management personnel were minority and they held by and large the lowest level of project management responsibility. The percentage of minority professionals (9%) is higher but again minority employees tended to be clustered at the bottom of the responsibility ladder. The most comron explanation given is that minorties and women are new to the professions and that it takes years of service to progress to the top jobs. This seems to be somewhat true in certain cases, particularly women in engineering, who are often recent college graduates. However, we will be analyzing workforce changes closely over the coming years for promotion patterns.

After discussion it was M/S/C to accept the report on Architects, Engineers, Planners and Environmental Scientists: Employment. Ms. Bathbone was praised for the thoroughness of the report and the progress it reflected in furthering affirmative action goals.

GAY ADVISORY COMMITTEE

Phyllis Lyon, Chairperson

Resolution to adopt and send a proposed letter to the Juvenile Justice Commission regarding sexual minority youth.

Last year the Juvenile Justice Commission requested testimony from the lesbian and gay community on the treatment of and services for sexual minority youth within the Probation Department. In November, Stephen Morin, Chair of the American Psychological Association Council on Gay Concerns, and Sue Saperstein, clinician and youth advocate, made a presentation before the Commission on how the Probation Department could better serve the needs of gay youth, particularly those within the jubenile justice system, and suggestions of policy and improved services that would respond to these needs. Recommendations speak to appropriate care and treatment, use of community resources that work effectively with young lesbians and gay men, placement of gay-identified youth in gay foster homes, and continued outside consultation on these issues.

The Juvenile Justice Commission finally took up discussion of these recommendations in August when Assistant Chief Probation Officer Warren Cain suggested there was no need to take any special action regarding sexual minority youth.

Johnny Mieto of the Sexual Minority Youth Service Coalition addressed the Commission. He indicated that several letters eg from the San Francisco City Attorney's Office had been sent requesting further discussion of the recommendations and that he hoped the Juvenile Justice Commission would re-open discussion of the issue at its next meeting.

It was M/S/C that HRC send the proposed letter to the Juvenile Justice Commission urging them to give further consideration to the recommendations on services to sexual minority youth. A full text of the letter is attached.

Mary Morgan Induction Ceremony

Commissioner Lyon invited Commissioners, staff and members of the audience to attend Mary Morgan's Induction ceremony as a Municipal Court Judge at 5:00 p.m. on September 24 in the City Hall Rotunda. Mary Morgan is the first up-front lesbian to be appointed to a judgeship in the State of California, and as several Commissioners pointed out, in the entire country.

OLD BUSINESS

Commissioner Lia Belli reported on the statewide Human Rights Coalition's efforts to extend the 1965 Voting Rights Act unchanged, to oppose the Family Protection Act and to oppose the Human Life Amendment. The Human Rights Coalition is made up of a group of organizations with national or at least state-wide profiles. They include the California Democratic Council, NOW, National Womens Political caucus, Chinese American Democratic Coalition and NALFF among others. The members of the Coalition have undertaken a state-wide lobbying effort during which a member of the coalition goes to the office of each of California's 45 members of congress and lobbies directly with the legislator or an aide. September 2 was the first state-wide lobbying day and was a great success.

NEW MATTERS

- At the request of Commissioner Sevilla, the issue of police practices around police sweeps was referred to the Police and Social Issues Committee for consideration. Study of the specific issue of police sweeps on Polk Street was referred to the Gay Advisory Committee. Commissioner Sevilla felt that these matters should be investigated by the Commission and that HRC should adopt a position in relation to them.

- Commissioner Weiner reported that the Youth and Education Committee will investigate concerns surrounding Project Stay-At-School in future meetings. While recognizing positive efforts to maintain the quality of the school system and keep children in school, the Youth and Education Committee is concerned with the relationship of the police to Stay-At-School Project and whether all appropriate organizations were involved.

Commissioner Weiner also mentioned that the Youth and Education Committee was anxious to give a farewell ceremony to Sister Bernadette Giles who had been its inspiration for so many years. Gail Roberts indicated that the Friends of the Human Rights Commission was already working on a ceremony for Commissioner Giles and Commissioner Mezey. As noted earlier in these Minutes, both Sister Bernadette Giles and Caryl Mezey recently resigned from the Commission.

STANDING COMMITTEES

Employment	Thursday, October 1, 1981 9:30 a.m. 1850 Mission Street
Gay Advisory	Tuesday, October 20, 1981 Noon Third Floor Commission Room Main Library, Civic Center
Housing & Urban Development	To be announced
Police Liaison/Social Issues	To be announced
Youth & Education:	Tuesday, October 13, 1981 3:15 p.m. John Adams Community College Center 1860 Hayes Street, Room 136

Adjournment

Respectfully submitted,

Grant S. Fielding III
via Vicky Rathbone

City and County of San Francisco

Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution

Juvenile Justice Commission
375 Woodside Avenue
San Fracisco, Ca. 94127

September 24, 1981

Dear Commissioners:

The Human Rights Commission of San Francisco is concerned about the response of Assistant Chief Probation Officer Warren Cain to recommendations on services to sexual minority youth. These recommendations, presented in November 1980 by Sue Saperstein, address appropriate care and treatment, use of community resources, placement of Gay-identified youth in gay homes, and outside consultation to the Probation Department. At the August 1981 meeting of the Juvenile Justice Commission, Warren Cain suggested to the Commission that there is no need to act upon these recommendations.

Mr. Cain's response provided no evidence to support ignoring Ms. Saperstein's advice. He did acknowledge anti-Gay sentiment within theProbation Department and mentioned that Gay-sensitive staff is used to work with the "few overt kids" that the department sees. This rationalization neglects youth who are not identifiable as sexual minorities by sight. Confronted with staff who have homophobic attitudes, these youth may find it impossible to resolve the familial and internal conflicts which eventually result in their presence at the Youth Guidance Center.

The response appears to have overlooked Ms. Saperstein's recommendations regarding referrals to community agencies and Gay foster parents, but made mention of the suggestion to obtain professional consultation. Mr. Cain disputed this advice, claiming that individuals within the department "are experts, if there is such a thing." We must emphasize that traditional education continues to ignore Lesbian and Gay issues and that the need for counsel from sensitive and knowledgable people still exists.

We request that Juvenile Justice Commission give futher consideration to these recommendations and we encourage you to invite members of the Lesbian and Gay community to this discussion. We look forward to hearing a positive reply to our request.

Very truly yours,

John C. Morrissey
Chairperson

JCM:bcln
10/5/81

(415) 558-4901 Suite 501, 1095 Market Street San Francisco 94103

SF
HRC
2
10/15/81

DOCUMENTS DEPT.
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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, October 15, 1981
Congregation Sherith Israel
California & Webster Streets

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* NEXT MEETING *
* *
*Date: Thursday, November 5, 1981 *
* MEETING SCHEDULED FOR *
* OCTOBER 22, 1981 CANCELLED *
*Time: 8:30 A.M. *
*Place: Congregation Sherith Israel *
* California & Webster Streets*
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NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

ATTENDANCE

Commissioners

Present: John C. Morrissey (presiding), Samuel Chung, Robert D. Edwards, Antonio Grafilo, Phyllis Lyon, Richard Sevilla, Rabbi Martin S. Weiner.

Excused: Thomas Ambrogi, Lia Belli, Pius Lee, Joan Zamora Moulton, Clemente Obregón, Brenda K. Wade, David Yamakawa.

There is one vacancy on the HRC, due to the resignation of Caryl Mezey.

Staff: Grant S. Mickins, Jack Casford, Stanley Lim, Joe Meza, Richard Norton, Gail Roberts, Essie Thomas, Jackie Winnow.

Pledge of Allegiance

- Minutes of September 24, 1981 approved with two spelling corrections: Page 2, first paragraph under Director's Report, mid-page, third line, should read "Mr. Thomas E. Ambrogi, a former Jesuit priest and (now) Executive Director of the Commission on Social Justice of the Archdiocese of San Francisco.."

COMMUNICATIONS

- From Governor Robert List of Nevada, a letter to Chairperson Morrissey dated July 16, 1981, responding to the HRC's letter of May 7, 1981 to Lt. Governor Myron Leavitt of Nevada, urging a retraction of the Lieutenant Governor's remarks attributed to him regarding the 6th Annual National Gay Rodeo scheduled to be held in Nevada which the Gay Advisory Committee of the HRC found "bigoted and irresponsible."

Governor List wrote Chairperson Morrissey that, "As Governor, I find the Gay Rodeo personally offensive...However, I do not feel that the use of the state fairgrounds can be determined by our personal likes or dislikes." He further stated that the Washoe County Nevada District Attorney's Office recently issued a legal opinion..."that homosexuals could not be barred from using the state fairgounds without it being a violation of their constitutional rights."

- From Mayor Dianne Feinstein, a Memorandum to all department heads announcing that her State of the City address would be October 19 and asking each department for a brief summary of achievements, progress, and remaining problems. Director Mickins stated that the HRC has submitted its summary as requested.

- From Supervisor Lee Dolson and State Senator Daniel E. Boatwright acknowledging receiving copies of the HRC's Resolution Opposing the Family Protection Act of 1981 adopted September 10, 1981, and from Supervisor Carol Ruth Silver stating that she agrees with the HRC position and announcing that the Board of Supervisors took a similar action by resolution adopted unanimously August 17, 1981.

- From Douglas X. Patino, Director, State Employment Development Department, announcing that the State Comprehensive Employment Training Office has funded the Recruitment and Training Program, Inc. (RTP). Director Mickins stated that RTP is the former Apprenticeship Opportunities Foundation, with whose outreach recruitment for minority youth pre-apprenticeship training the HRC has been closely involved for many years since its founding. The Foundation had lost its local funding.

DIRECTOR'S REPORT

- Sexual Harassment Policy.

The Board of Supervisors voted 11-0 on October 13, 1981 to adopt a policy prohibiting sexual harassment of all City employees to be part of the City's Administrative Code. The HRC's role in this issue has been pivotal, dating back to January 10,1980 when it adopted a Position Paper on the recommendation of the Employment Committee on Sexual Harassment as an Employment Issue. On December 11,1980 the HRC adopted and forwarded to the Civil Service Commission a Recommended City Policy Prohibiting Sexual Harassment. For the past nine months the Civil Service Commission had been considering this Recommended Policy through its Affirmative Action Committee. On August 17, the Civil Service Commission adopted a Sexual Harassment Polciy. Director Mickins wrote the CSC expressing certain technical and substantive problems with the policy in its current form, which he said is inadequate, lacks specific City policy guidelines and procedures for dissemination, and fails to clarify in specific terms the inclusion of sexual orientation. This August 25, 1981 letter to the Civil Service Commission members as of October 15 had not been answered.

Director Mickins said the October 13 action of the Board of Supervisors was on the First Reading and that it must pass a Second Reading.

- Office of Community Development Funding to HRC.

The HRC has been granted $145,000 for the new budget period (February 1, 1982 through January 31, 1983) for carrying out its Fair Housing Program and for monitoring OCD contracts for compliance with affirmative action. These contracts for the City total some $25 million.

STANDING COMMITTEES

SPECIAL ORDER

Continuation (from October 9, 1981) of the Appeal Hearing in Re: Human Rights Commission v. F.P.Lathrop Construction Co. Airport Contract No. 1100, Board Area "E", San Francisco International Airport.

- There was a brief recess declared by Chairperson Morrissey at this point due to lack of a Quorum of qualified Commissioners to hear the testimony. An Official Court Reporter was present.

Present to testify for the Appellants were:

Roger M. Hughes, Attorney at Law for F.P. Lathrop Construction Co.
Roger K. Sexton, Vice President, F.P. Lathrop Construction Co.
Ms. E. Castro-Townsend, Castro L-P-D. (Lath Plaster Drywall)
Morton H. Orenstein, Attorney at Law for Castro L-P-D.

Present to testify for the HRC were:

S. Sehuls, Freelance Estimator
George Wong, City Attorney's Office

At 9 A.M., having learned that Commissioners needed to complete a Quorum, because of last-minute delays, were unable to be present, Chairperson Morrissey declared that the Appeal Hearing continuation would be postponed to a future date.

Subsequently, it was announced that the continuation of the Appeal Hearing for HRC v. F.P. Lathrop Construction Co. would be Thursday, November 5, 1981 at 8:30 A.M. in the first-floor meeting hall at Congregation Sherith Israel, 2266 California Street.

NO NEW MATTERS

NO OLD BUSINESS

REMARKS FROM THE AUDIENCE

- Mr. Roger M. Hughes, Attorney for F.P. Lathrop Construction Co., expressed his strong objection, for his client, to the postponement of the Appeal Hearing. He called for dismissal of the proceedings. He recalled that the September 17 hearing had been postponed due to lack of a Quorum, that the October 9 hearing was held, but continued to this date, and stated that the HRC was required by its own rules to provide Lathrop Construction Co. a hearing within a reasonable time. The Note of Appeal, he noted, was first filed in October of 1980. He objected to the amount of time he and his client were required to expend and their financial burden as well.

- Mr. Morton H. Orenstein on behalf of Castro Lath, Plaster & Drywall, Inc., also expressed objection to the postponement, saying that his client was precluded from bidding as a Minority Business Enterprise firm for any City contract as long as the HRC's certification as a bona fide company was not decided.

- HRC Director Grant S. Mickins expressed his objection to any request for dismissal of the proceedings. He stated that the HRC's position on the Finding of Noncompliance filed against F.P. Lathrop Construction Co. for failure to meet the Minority Business Enterprise goal in its bid for Airport Contract No. 1100, and staff's challenge of Castro Lath, Plaster & Drywall, Inc. as a bona fide Minority Business Enterprise for the same contract remains.

Mr. Mickins said that the HRC's concern continues to be the protection of the rights for equal opportunity for minority and woman-owned businesses in the bidding process for City contracts, and that it had been what he called " a serious travesty" of City contract compliance that led to the original Finding against the Lathrop firm. He said the firm had not only failed to meet the MBE participation goal but also employee utilization goals the HRC is mandated to implement.

Mr. Mickins also stated that the year-long efforts of the HRC to mediate and negotiate with F.P. Lathrop Construction Co. on the issue of its compliance with MBE and employee utilization had been to no avail, which led to the formal Appeal Hearing process itself.

Mr. Hughes then responded to Mr. Mickins' presentation, quoting sections of the HRC Rules of Procedure and the HRC Affirmative Action Program General Requirements for Construction Contracts pertinent to pre-award determination of bidders' MBE eligibility, and Place of Appeal Hearing ("...a...place...to the convenience of the appellant and witnesses.")

HRC Contract Compliance Officer Stanley Lim reminded the HRC panel that it was the Airports Commission that, acting separately from the HRC, granted the contract (Contract No. 1100, Boarding Area "E") to F.P. Lathrop Construction Co.

- Mr. Orenstein then stated that regardless of the request for dismissal by Mr. Hughes for F.P. Lathrop Construction Co., Castro Lath, Plaster & Drywall, Inc. does wish a hearing on its MBE status.

- Chairperson Morrissey then stated that without a Quorum the HRC could not act on Mr. Hughes' request for dismissal of the charges and proceeding, and said he would bring Mr. Hughes' and

Mr. Orenstein's statements of position to the attention of all members of the HRC at its next regular meeting, at which time the HRC may or may not take action on the dismissal request.

He ruled that due to the lack of a Quorum there would be no further action on the Lathrop Appeal.

The continuation of the Appeal Hearing was set, as noted elsewhere in these Minutes, for Thursday, November 5, at 8:30 A.M. in the first-floor meeting hall of Congregation Sherith Israel, 2266 California Street (at Webster).

STANDING COMMITTEES

Employment	Thursday, November 5, 1981 9:30 A.M. 1850 Mission Street
Gay Advisory	Tuesday, October 20, 1981 Noon Third Floor Commission Room Main Library, Civic Center
Housing & Urban Development	Tuesday, November 10, 1981 4 P.M., Room 509 HRC Offices
Youth & Education	Wednesday, October 21, 1981 3:15 P.M. John Adams Community College Center 1860 Hayes Street Room 136
Police Liaison / Social Issues	Wednesday, October 21, 1981 3:30 P.M., Room 509 HRC Offices

Adjournment

Respectfully submitted,

Grant S. Mickins III
via Jack Casford

GSM:JC:sa
10-26-81

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11/5/81

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, November 5, 1981
Congregation Sherith Israel
California & Webster Streets

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* NEXT MEETING *
* *
Date: Thursday, November 19, 1981
*Time: 9 AM *
*Place: Public Health Building, *
* 101 Grove Street, Room 300 *
****

NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

ATTENDANCE

Commissioners: John C. Morrissey (presiding), Thomas Ambrogi, Samuel Chung, Robert Edwards, Antonio Grafilo, Pius Lee, Joan Zamora Moulton, Clemente Obregón, Richard Sevilla, Rabbi Martin Weiner, David Yamakawa.

Excused: Lia Belli, Brenda Wade

Pledge of Allegiance

Minutes of October 15 approved with two corrections: Page two, Under Special Order, bottom of the page, the last paragraph should read: (inserted words underlined)

Present to represent and/or testify for the Appellants were:
and a fifth name listed should be:
S. Sehuls, Freelance Estimator
then the next line,
Present to represent and/or testify for the HRC were:
and add the following names,

Sam Martinez, former staff, San Francisco Coalition
Joseph Huizar, President, J. Huizar & Sons, general engineering firm specializing in concrete and underground construction.

COMMUNICATIONS

- From Dianne Feinstein, Mayor, notifying Director Mickins that while the Board of Supervisors has approved the 1982 (federally-funded) Community Development Program, she urges grantees for its Fair Housing Program and OCD contract compliance work to heed the close monitoring of performance that is part of the fact that the Reagan Administration is cutting funds back substantially in this area.

- From Albert C. Walker, Assistant Secretary, Civil Service Commission, requesting that the HRC give special attention to the monitoring of San Francisco Municipal Railway vehicle maintenance contracts to insure full compliance with Equal Employment Opportunity and Affirmative Action requirements. Director Mickins cited the controversy over proposals that an out-of-state (Illinois) firm be hired to do maintenance of transit vehicles, proposals that aroused concerns as to why local businesses should not be eligible for this work.

- From Leonard E. Kingsley, congratulating the HRC for its 1980-81 Annual Report and commending Gail Robeits, its editor/writer.

- From U.S. Representative John L. Burton, to Chairperson Morrissey, stating in detail his opposition to the Family Protection Act in toto. The HRC formally adopted a Resolution Opposing the Family Protection Act of 1981 at its regular meeting September 10, 1981.

- From U.S. Representative Ronald V. Dellums, to Chairperson Morrissey, also stating in detail his opposition to the Family Protection Act of 1981.

- From U.S. Senator Alan Cranston, to Chairperson Morrissey, reporting, in a two-page, single-spaced letter, on his efforts to forestall the precipitous closing of the San Francisco Public Health Service Hospital. The HRC had voted formally May 28, 1981 to oppose the closing of this facility. The Administration rejected all proposals for transfer, as the senator suggested, of the SFPHSH to a public or nonprofit private entity. The hospital at last reports had been transferred to the Department of the Army, but the Senator had urged that transfer or closure of the facilities be done in a manner least disruptive to patients receiving care there.

- From Sal Rosselli, Business Representative, Theatre and Amusement Janitors, Local No. 9, Service Employees' International Union, AFL-CIO, announcing a rally/march on November 5 at 5 PM in front of the Alexandria Theatre (Geary Blvd. at 18th Avenue) to build community support for the strike against the operations of nine motion pictures theatres in San Francisco.

DIRECTOR'S REPORT

- Matthew Cohen, for more than two years a Housing Specialist working on the HRC's Fair Housing Program, resigned November 1. Mr. Cohen handled complaints and conducted a number of housing well publicized discrimination surveys, notably in the Tenderloin District covering residential hotels. Mr. Mickins expressed regret at Mr. Cohen's leaving and commended him for a job well done.

SPECIAL ORDER

- Fourth Scheduled Appeal Hearing in re: HRC vs. F.P. Lathrop Construction Co. on a Director's Finding of Noncompliance in Airport Contract #1100 - Boarding Area "E".

An official Court Reporter, Lowell Torno, took the verbatim record of this Appeal Hearing, which lasted from approximately 9 AM to 1:30 PM.

Present to represent and/or testify for the Appellants were:
Roger M. Hughes, Attorney at Law, for F.P. Lathrop Construction Co.
Roger K. Sexton, Vice President, F.P. Lathrop Construction Co.
Ms. E. Castro-Townsend, Castro Lath-Plaster-Drywall Co.
Morton H. Orenstein, Attorney at Law, for Castro L-P-D.
Called by Mr. Hughes to testify were:
Robert Hannan, Project Manager, F.P. Lathrop Construction Co.
Gerard Gehrls, Estimator for J. Huizar & Sons.
Clarence Martin, Martin Masonry Company, Oakland.
Nathan Wills, Concrete Contractor, Hayward.
Nat Brazil, Controller, Corporate Treasurer, Transbay Engineering Builders of Northern California.
Antonio Rigmaiden, President, Premium Flooring Company.
Present to represent and/or testify for the HRC were:
George Wong, City Attorney's Office, Counsel to the HRC.
John Jurich, Special Agent-Criminal Investigator, Office of the Inspector General, U.S. Department of Commerce.
Edward J. Taylor, Certified Public Accountant.
Cordelia R. Cunningham, Affirmative Action Specialist, Redevelopment Agency.
Benson Hattem, Affirmative Action Officer, Redevelopment Agency
Stanley K. Lim, Contract Compliance Officer, HRC.

Armando Sam Martinez, former staff, San Francisco Coalition.
Joe Huizar, President, J. Huizar & Sons.

At the conclusion of the Appeal Hearing, Chairperson Morrissey asked that affidavits for two witnesses Mr. Orenstein wished to have testify but whose appearance was impossible because Mr. Orenstein had to leave at 12:30 PM, and briefs from F.P. Lathrop Construction Co. and the HRC staff attorney be submitted to the HRC (Director Mickins) by November 23.

The rest of the scheduled Agenda:

EMPLOYMENT COMMITTEE
David K. Yamakawa Jr., Chairperson

1. Report on Design Consultants: Minority & Women-Owned Business Participation-Vicky Rathbone, Contract Compliance Officer. and

2. Report on Current Federal Legislative Initiatives Affecting Affirmative Action/Nondiscrimination Program-Ms. Rathbone,

were postponed to the November 19 HRC regular meeting.

No Old Business

No New Business

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, November 19, 1981, at 9 AM in the Public Health Building, Room 300, 101 Grove Street.

STANDING COMMITTEES

Employment	Thursday, December 3, 1981 9:30 AM 1850 Mission Street
Gay Advisory	Tuesday, November 17, 1981 Noon Third Floor Commission Room Main Library, Civic Center
Housing & Urban Development	Tuesday, November 10, 1981 4 PM, Room 509, HRC Offices, 1095 Market
Youth & Education	Tuesday, November 17, 1981 3:15 PM John Adams Community College Center 1860 Hayes Street Room 136
Police Liaison/ Social Issues	Thursday, November 12, 1981 3 PM, Room 509 HRC Offices, 1095 Market

Adjournment

Respectfully submitted,

Grant S. Mickins III
via Jack Casford

GSM:JC:sa
11-12-81

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, November 19, 1981
Room 300 , Department of Public Health
101 Grove Street
Civic Center

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*         NEXT MEETING               *
*                                    *
* Date:  Thursday, December 10, 1981 *
* Time:  10:15 A.M.                  *
* Place: COMMISSION ROOM, THIRD FLOOR*
*        MAIN LIBRARY                *
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NOTE: December 3 and 17 meetings cancelled

NOTE

See under Calendar Matters
Section of these Minutes the
schedules of the HRC's regular
Standing Committee Meetings.

Attendance

Commissioners

Present: John C. Morrissey (presiding), Thomas Ambrogi, Samuel Chung, Pius Lee, Phyllis Lyon, Clemente Obregón, Richard Sevilla, Brenda Wade, Rabbi Martin Weiner, David Yamakawa.

Excused: Lia Belli, Robert Edwards, Antonio Grafilo, Joan Zamora Moulton.

- It was announced that Ms. Esta Soler has been appointed by Mayor Feinstein to the HRC. Her swearing-in will be November 23 at 11:15 A.M. in Room 200, City Hall.

Staff: Grant S. Mickins, Jack Casford, Don Hesse, Stanley Lim, Joe Meza, Vicky Rathbone, Gail Roberts, Ed Vurek, Jackie Winnow.

Pledge of Allegiance

Minutes of the Meeting of November 5, 1981, corrected to include Commissioner Phyllis Lyon as present, but not participating in the Lathrop Construction Co. Appeal Hearing procedures.

COMMUNICATIONS

- From Robert Blumenfeld, Blumenfeld Enterprises Incorporated, a response to the Director's November 3, 1981 letter concerning a written complaint sent to the HRC by Robert R. Amberg about being denied entrance to the Royal Theater because he and his wife carried an infant with them. HRC staff had researched licensing and operation regulations required of movie theaters in the City before writing Mr. Blumenfeld. The latter wrote Director Mickins, "It is our feeling that our patrons who pay as much as $5.00 for a performance have the right to enjoy the performance without being inconvenienced by the sounds and smells of a crying infant. Most of them applaud our policy and it is for this reason that we will continue the policy." The HRC had asked if the prohibition against infants was advertised and posted by the theater chain. Director Mickins said that the HRC's ordinances do not cover infants as a protected non-discrimination class, but that several persons had complained similarly to the HRC in the past several years. Mr. Mickins said that after research he would inform the Board of Supervisors of these complaints for their possible action to address them legislatively. The issue may be dealt with further by an HRC Standing Committee.

- From James L. Lazarus, Employee Relations Director, Board of Supervisors, a Memorandum to all City department heads, announcing that his office is reviewing classification information to formulate a policy for petition gathering and elections on the issue of agency shop. There have been charges, he wrote, by the "Service Employees International Union (SEIU) Joint Council that some management and supervisory employees in City government who are not affected by the state agency shop law are involved in activities promoting a drive to do away with the agency shop provision." Mr. Lazarus wrote that"management must play a neutral role in labor matters..." An election will be held for City employees to vote on the agency shop law application after January 1, 1982. The Board of Supervisors has authorized an agency shop law to be effective in the City and County government.

- From Stuart M. Gordon, Chairman, Juvenile Justice Commission, responding to a letter authorized sent September 24, 1981 by the HRC expressing concern regarding Probation Services in relation to the needs of sexual minority youth. Mr. Gordon's response was detailed, stating that the Juvenile Justice Commission shared the HRC concern and recommendations and invited HRC representatives to address their Commission at its December meeting. The response letter and follow-up were referred to the Gay Advisory Committee.

- From Supervisor Lee S. Dolson, thanking the HRC for a copy of its Annual Report.

- From Mayor Dianne Feinstein announcing the United Way campaign from November 9 through November 25. The HRC Director has named Program Coordinator Joseph Meza to coordinate its internal participation. Pledge cards have been distributed to both staff and members of the HRC.

- To Commissioner Martin S. Weiner and the staff of Congregation Sherith Israel, thanking them for the use of their Conference Hall for two Appeal Hearings of the Lathrop Construction Co. to a Director's Finding of Noncompliance.

DIRECTOR'S REPORT

- HRC Meeting Place Change.
The Director continues a search for a different permanent meeting place, at the request of several members of the HRC who find the Main Library's new opening hour of 10AM inconvenient.

- Commissioners and Form 730.
Jack Casford reminded new Commissioners they are required to complete a Statement of Economic Interest, Form 730, annually. He will send copies of the form to those who request it.

- Commendation Letter to former Commissioner Rev. George L. Bedford.
A formal letter of commendation to Rev. Beford, a member of the HRC from 1967 to 1976, was read in draft form and by acclamation the HRC members authorized that it be sent in their names. It commemorates Rev. Bedford's 24 years as pastor of the Macedonia Missionary Baptist Church, which will be marked by ceremonies on Sunday, November 22. A copy is attached to these Minutes.

- Lathrop Construction Co. Appeal Hearings.
The hearing procedure was concluded November 5. Counsel and parties have until November 23 to file further affidavits from witnesses and briefs with the Director. This additional information will be provided the HRC when received and it will then set a date to convene to render a decision on the appeal to a Director's Finding of Noncompliance against Lathrop Construction Co.

- Mayor Feinstein to the HRC.
It is hoped that the Mayor may personally address the HRC on its future role at the December 10 regular meeting.

STANDING COMMITTEES

HOUSING AND URBAN DEVELOPMENT
Clemente Obregón, Chairperson

- Los Angeles Fair Housing Task Force.

Commissioner Obregon announced that he and Donald Hesse had attended a conference November 7 in Los Angeles of the Fair Housing Task Force, which is drawing up a series of recommendations on fair housing for the State of California.

- Discrimination Against Families With Children: An Audit of Richmond and Sunset District Real Estate Agencies and Their Rental Practices - Donald Hesse, Fair Housing Program Coordinator.

Mr. Hesse gave a verbal summary of an account of this audit written by himself and Matthew Cohen, former Housing Specialist with the HRC Fair Housing Program.

San Francisco is one of the few cities in norther California and in the United States to have a law prohibiting discrimination in housing against families with children. The HRC worked actively with local community groups and churches in getting the San Francisco Fair Housing for Children Ordinance passed July 14, 1975, by a vote of 9 to 2 over Mayor Joseph Alioto's veto, and renewed in 1978.

The HRC's Fair Housing Program conducted an audit of racial discrimination by residential hotels in the Tenderloin district in December of 1980, with a followup check in March of 1981. For those audits and for the October, 1981, audit under discussion, the HRC hired checkers from Operation Sentinel, a fair housing group operating in the Bay Area with private and public sector funding.

The written report gives a detailed introduction explaining the provisions of the Fair Housing for Children Ordinance.

Mr. Hesse said the decision to make this audit was in response to the numbers of complaints about rental housing problems by persons with children coming into the HRC office, and the need, if the HRC meant to ask for official City action to address this problem, to document its extent and nature.

This audit covers only the actions of real estate agents, rather than individual landlords and property owners, in order to get a broader range of the rental housing market. The audit methodology is explained in the section of the report called, "Design for the Families With Children Audit." Two testers were: a single White woman with no children and with an elderly Mother living in her household; and a single (divorced) White woman with one 7-year-old daughter. Each was represented as having approximately the same income, rental rate ability, and space needs.

The audit covered three weeks in October of 1981, and targeted real estate agents operating in the Richmond and Sunset Districts of the City.

Thirty real estate agents were contacted by the testers seeking rental housing. Twenty were eliminated either because they didn't have appropriate listings or they demanded nonreturnable deposits of several hundred dollars before they would interview or refer clients. This is becoming a common practice by real estate agents, Mr. Hesse said.

Of the ten agencies covered in this audit, no differential treatment was evident in seven.

Mr. Hesse said that based on this audit, using two White women seeking rental housing in middle-class residential areas of the City, compliance with the San Francisco Fair Housing for Children Ordinance seems to be consistently followed by real estate agents.

The three rental offices which did give differential treatment are named in the report, two of them offering the apartment first to the childless tester, and the third asking that the testers meet with the building owner for a final interview, an offer both refused.

Mr. Hesse said the audit report will be sent to all the rental agencies originally contacted, the San Francsico Real Estate Board, and the rental associations. He said the HRC felt an obligation to commend the real estate industry when, as in this case, the majority is found to be following the protective law.

The audit report also has been submitted to the District Attorney's Office, which is named in the Fair Housing for Children Ordinance as the enforcement agency for the City, with the authority to receive, investigate, and followup with fines ($250 to $500), if necessary. He said such a small fine was not considered a deterrent any longer, and the District Attorney said fines of $2,500 are allowed under the California Business and Professions Code, making it illegal for any business to commit an unlawful act.

Mr. Hesse said the District Attorney has said that the San Francisco ordinance should be stronger, noting in particular that landlords may still limit the number of persons that may rent any given apartment.

- Commissioner Lee urged that the San Francisco Real Estate Board be asked to print the results of this audit in its monthly newsletter for the widest possible dissemination of its findings.

- Commissioners Sevilla and Wade questioned if the same results (seven of ten real estate agents showing no differentiation in treatment or service) would have obtained if the testers had been Gay, Lesbian, minority, or Third World people, or if the audit had been done in other parts of the City. They urged that Mr. Hesse and the report make it clear that the conclusion (that the Fair Housing for Children Ordinance is being consistently followed in San Francisco by real estate agents for rental housing) is based on an audit involving two White women in middle-class neighborhoods.

Director Mickins noted that the HRC in the past has provided wide public dissemination of the results of its housing audits in the City.

Mr. Hesse stressed that the written report states several times that "Child discrimination in rental housing is a serious problem.." in the City; that the present Children's ordinance has problems including" its small fine and ineffectiveness as a prohibitive measure;" and that discrimination against families with children continues to be a problem six years after adoption of the City ordinance.

It also notes that a major limitation of the audit is the fact that it involved only one child.

It was

****M/S/C that the HRC accept the Discrimination Against Families with Children report

- State (Department of Fair Employment and Housing) Racial Discrimination Audits in West Contra Costa County (East Bay Area).

The State DFEH's Governor's Task Force on Civil Rights has been holding statewide public hearings on racial, ethnic and religious violence (Fresno in October, Sacramento in November, to be January in Los Angeles).

The HRC was contacted to assist in the audit/testing for housing rental discrimination practices against home buyers in West Contra Costa County. HPC housing staff volunteered to assist in this audit, working on their own time, not office time.

Targeted for the audit were Richmond (largely a minority residential area), and San Pablo, El Cerrito, and Pinole (largely majority White residential communities).

Nine real estate offices (representing some 25% of the medium and large real estate firms in the area) were tested twice.

White and Black checkers were used in this audit, covering real estate offices with at least five agents which were members of professional real estate associations. White checkers preceded the Blacks, asking for generally the same type house in the same price range. There were three treatment testing areas:

1. The general reception accorded the applicants.

2. The interview process and what differentiation there was in any information asked for or given.

3. The kinds of housing purchase choices offered.

It was found, Mr. Hesse said, in eighteen completed matched tests:

1. That general reception/treatment was the same for all.

2. That 50% of the offices asked the minority applicant significantly more about his/her financial and personal background.

3. That 20% of the White applicant visits received unsolicited neighborhood racial composition information, and another 20% of the applicants received what was inferred to be racial information, e.g., "avoid Richmond."

4. One-third of the time, the White testers were given more information on the availability of housing.

5. In five of the nine offices, the testers received what they considered "clear racial steering", e.g., Blacks were referred to or given information on largely minority (Richmond) neighborhoods and Whites to other suburbs or largely majority neighborhoods. Two of the nine offices gave no racial steering at all.

Mr. Hesse said he felt this if the first housing sales audit for racial discrimination in northern California.

Copies of the DFEH audit in West Contra Costa County are available in Mr. Hesse's office.

EMPLOYMENT
David K. Yamakawa Jr., Chairperson

- Report on Design Consultants: Minority and Woman-Owned Business Participation - Vicky Rathbone, HRC Contract Compliance Office.

Ms. Rathbone gave a verbal summary of a written report covering the first two years of implementation of the HRC's Minority Business Enterprise/Woman-owned Business Enterprise (MBE/WBE) participation program on design projects.

She noted that the first such report was made to the HRC in 1979, and that the HRC had adopted goals of 25% minority business participation, (with half going to small minority-owned firms), and 5-10% for woman-owned design consultants.

Currently, the MBE/WBE program is being applied to 25 projects totalling $21,360,593 in design fees. The results are as follows:

Total MBE	$8,890,549 or 42%
Large MBE	$6,399,906 or 30%
Small MBE	$2,490,643 or 12%
WBE	$ 836,600 or 4%

The two largest projects currently in operation were awarded by the Clean Water Programand total nearly $15,000,000 in design fees. The third largest project is a $3,000,000 contract at the Airport to remodel the Central Terminal. These three projects account for approximately 70% of all design fees awarded by the City under the MBE/WBE program. A minority firm is a joint venture partner on the largest Clean Water Project (the Bayside Study) and two minority firms are major sub-consultants on the other two projects. This accounts for the higher percentage to large MBEs and the very high overall MBE percentage.

The WBE program is beginning to work, Ms. Rathbone said. The percentage is considerably higher than last year's 2% participation rate and only 1% short of the minimum goal. Analysis of the projects awarded by different City agencies gives the following results:

San Francisco International Airport

Total design fees awarded:	$3,543,030
Total MBE:	$1,626,200 or 46%
Large MBE:	$ 799,675 or 23%
Small MBE:	$ 826,525 or 23%
WBE:	$ 170,000 or 5%

The high percentage awarded to small MBEs can be accounted for by the Airport's official policy of awarding all projects under $2,000,000 in construction costs to small MBE's and WBEs.

San Francisco Clean Water Program

Total design fees awarded:	$17,203,382
Total MBE:	$ 6,856,507 or 40%
Large MBE:	$ 4,268,094 or 25%
Small MBE:	$2,588,413 or 15%
WBE:	$ 632,102 or 4%

The high percentage for WBEs on heavy sanitary engineering projects can be accounted for by the use of a woman-owned printing firm to print the voluminous Bayside Study and by the large number of environmental impact studies this last year where WBEs are readily available.

Port Commission

Total design fees awarded:	$205,000
Total MBE:	$107,900 or 53%
Small MBE:	$ 81,800 or 40%
WBE:	$ 9,000 or 4%

The high MBE percentages are due to the award of a project to redesign the passenger terminal at Pier 35 to a small minority firm.

Department of Public Works

Total design fees awarded:	$399,181
Total MBE	$316,940 or 81%
Large MBE	$ 20,000 or 5%
Small MBE	$296,940 or 74%
WBE	$ 8,241 or 2%

The high percentage to MBEs is due to two contract awards to MBEs as prime consultants.

There is evidence that City projects continue to be broken down into small components to facilitate involvement of minority and woman-owned firms in all aspects of the work. Following is an analysis of prime and sub-contract awards to the different kinds of firms involved in design work:

	TOTAL	MBE	WBE
Civil/Sanitary	$6,097,847	$766,637 or 13%	$12,140 or N/S
Structural	$1,785,211	$1,751,161 or 98%	0
Mechanical/Electrical	$1,128,007	$724,644 or 64%	0
Architecture	$2,416,586	$587,717 or 24%	$161,015 or 7%
Landscape Architecture	$ 341,949	$ 24,000 or 7%	$900,000 or 29%
Geotechnical	$6,223,980	$4,096,000 or 66%	0
Environmental	$ 385,761	$186,019 or 48%	$114,197 or 30%

The percentages in structural and mechanical/electrical engineering are so high because this work is systematically subconsulted to minority firms on architectural contracts. The high percentage on geotechnical engineering is due to use of a minority geotechnical firm as joint venture partner on the Bayside doing nearly 3 million dollars worth of work. It should also be noted that there are no WBEs specializing in structural or geotechnical engineering. There is one WBE mechanical electrical firm.

The ethnic distribution of total contract awards was as follows:

Black firms	16 or 33%
Hispanic firms	4 or 8%
Asian firms	25 or 55%
Filipino firms	2 or 4%
American Indian firms	0

This corresponds broadly with the relative distribution of these firms in the Bay Area (although work has been divided much more evenly among the ethnic groups.)

Black firms in the Bay Area	22 or 13%
Hispanic firms in the Bay Area	19 or 11%
Asian firms in the Bay Area	75 or 44%
American Indian in the Bay Area	0

The above estimates of availability are based on a Directory of Minority and Woman-Owned design firms compiled by the HRC and printed with the assistance of a consultant to the City who donates time and materials. It contains information on nearly 200 firms and has been widely used and distributed.

The HRC recently introduced an affidavit certifying MBE/WBE ownership which must be submitted by all firms wishing to qualify as bonafide MBEs/WBEs on City projects. The system has worked very well in that it has led to the identification and disqualification of several non-bonafide firms. The investigations leading to such disqualification are extremely time-consuming and account for an increasingly large percentage of staff work.

Compliance with the MBE/WBE goals are monitored throughout the contract. Copies of billings are submitted regularly to the HRC to ensure that the MBE/WBE actually performs the promised portion of work. If contracts are amended HRC makes certain the MBE/WBE portions of the work are also increased to continue compliance with the goals.

The HRC commends both majority and minority firms in the Bay Area as well as the City's awarding agencies, for the high degree of cooperation encountered at all levels in implementing the MBE/WBE design program.

Ms. Rathbone reported that an increasing amount of her time is being spent in checking out the bonafide status of firms presented as MBE/WBE. She described the documentation (tax forms, ownership declarations, stock certificates partnership agreements, etc.) that she must study in order to determine if a given firm may not be a "minority front". The problem includes the difficulty of determining if a free-lance consultant is actually in business when he/she simply does an occasional project out of his/her home.

POLICE LIAISON/SOCIAL ISSUES
Joan Zamora Moulton, Chairperson

- Proposed Resolution Regarding Certain Police Street Arrest Procedures Causing Community Concerns - Commissioner Sevilla.

The background on this recommended Resolution from the Committee was outlined briefly by Commissioner Sevilla. He cited the Report to the Mayor on Arrests and Dispositions on Polk Street August 24, 1981 to September 15, 1981 submitted by Rotea J. Gilford, Executive Director, Mayor's Council on Criminal Justice, covering a San Francisco Police Department Vice Bureau operation on 15 days (5 weekend nights), undertaken at the request of the Polk Street Merchants Association, to the Mayor and Chief of Police. The operation resulted in 449 arrests made for 621 charges, with 38% of the cases involving felony charges. Some 87% of the cases, the report says, were discharged/dismissed by the District Attorney. As of September 28,1981 (the date the MCCJ report was issued), 1% of the arrests had led to convictions.

Commissioner Sevilla cited these and other figures from the report and stated that he had chaired an ad hoc subcommittee (The Polk Street Subcommittee) of the Intergroup Clearinghouse that had held two September meetings on the issue (law-enforcement, City youth-serving agencies, Gay community and other representatives), and had drawn up eleven recommendations. These recommendations have been submitted to the Mayor's Office.

At Commissioner Sevilla's request, this issue was referred to the Police Liaison/Social Issues Committee, from which discussion came the proposed Resolution, provided in advance to all members of the HRC.

Mr. Sevilla read the Polk Street Subcommittee recommendations in full. In response to questions, he said that the Vice Bureau operations on Polk Street have discontinued, but that nothing is known of what actions are being taken in the area by Northern Station personnel.

Asked what changes if any have taken place since the Polk Street arrests, Commissioner Sevilla said that there has been no change in the alleged narcotic trade, or in the incidence of child or minor prostitution that he knew of, but that there apparently are fewer persons "hanging out" on Polk Street.

He stated that representatives of the Polk Street Merchants Association, who attended a community meeting (Polk Street Town Hall) on November 7 expressed "total satisfaction" with the results of the Vice Bureau operation.

For nearly an hour, the members of the HRC then debated the proposed Resolution wording, resulting in a number of deletions, additions, and changes, and it was

*** m/s/c that the HRC adopt the Resolution Regarding Certain Police Street Arrest Procedures Causing Community Concerns. A full text of this Resolution is attached to these Minutes.

GAY ADVISORY COMMITTEE
Phyllis Lyon, Chairperson

- Proposed Revised Resolution Regarding the City Attorney's Position on Article 33 of the Municipal Code (Police Code) - Gay Rights Ordinance - Commissioner Lyon.

The original Resolution (4-81) was adopted by the HRC August 13, 1981 at its regular meeting. It was in response to newspaper reports that City Attorney George Agnost had stated, in comment on a sexual orientation discrimination lawsuit being brought against the San Francisco War Memorial Board of Trustees by Michael Raines, that a portion of Article 33 may be unconstitutional. Article 33 prohibits discrimination in employment, housing, and public accommodations on the basis of sexual orientation.

The Board of Supervisors on August 10 at its regular meeting unanimously voted to officially advise Mr. Agnost to "defend Article 33." The HRC's August 13 Minutes refer to the long HRC discussion that ensued on Resolution, 4-81, noting that Chairperson Morrissey had learned from City Attorney Agnost that at the time (1978) Article 33 was being proposed for adoption (by the Board of Supervisors), his office had reviewed it for form only, not for constitutionality. With further discussion August 13, and the removal of one resolve proposed then by the Gay Advisory Committee urging that Mr. Agnost remove his office from the case involving Michael Raines, Resolution 4-81 was adopted, including the words "strongly censure the City Attorney."

The discussion at this meeting was on a proposed revised Resolution from the Gay Advisory Committee, to which the issue had been once again referred on the basis of further information provided by City Attorney Agnost. He wrote on September 16 to Chairperson John Morrissey as follows:

September 16, 1981

Human Rights Commission
City and County of San Francisco
1095 Market Street, Suite 501
San Francisco, CA 94103

Attention: John C. Morrissey, Chairperson

Dear Mr. Morrissey:

Acting on information supplied by the Gay Advisory Committee, information which they and your Commission sincerely believed was accurate, your Commission passed a resolution censuring my office for pleadings issued by our office in the case of Michael Raines v. The San Francisco War Memorial Board of Trustees, etc., et al.

Enclosed please find a photocopy of my letter of August 17, 1981 to the Board of Supervisors on this subject. The letter has attachments which for the most part consist of photocopies of the legislative record of the Board of Supervisors regarding this matter.

I hope in the interest of fairness your honorable Commission will make the effort necessary to review my letter and all attachments in full. Thereafter, in the interests of justice, your honorable Commission may want to modify or possibly rescind its resolution.

With kindest personal regards, I am

Sincerely yours,

GEORGE AGNOST
City Attorney

GA:bm
Enclosures

Discussion, led off by Commissioner Lyon, on this revised Resolution was extensive. She stated that the Gay Advisory Committee still wished to include the phrase "strongly censure" in its Resolution, which she defined as meaning a condemnation, and an expression of strong disapproval of Mr. Agnost's statements originally.

In discussion of the present status of Mr. Agnost's position on Article 33, it was reported that he was withdrawn from the Michael Raines case (against the War Memorial Board of Trustees), and informed them they may hire private defense counsel at City expense, but that the formal papers stating this withdrawal have not been submitted.

Commissioner Lee said that this issue involved complex legal questions and that Mr. Agnost should be asked to appear before the HRC to answer them.

Mr. Jerel McCrary a Deputy District Attorney, who said he had worked for Supervisor Harvey Milk on the wording of Article 33 when it was proposed and adopted by the Board of Supervisors, stated that at that time to the best of Mr. McCrary's knowledge Mr. Agnost never had raised the issue of constitutionality.

Commissioner Lyon said Mr. Agnost had refused the invitation of the HRC's Gay Advisory Committee to discuss this issue with them on October 20.

Commissioner Wade stated that the HRC's obligation was to define its role in defending the rights of all citizens to protection against discrimination as this is pertinent to Article 33 and its provisions.

Director Mickins was asked for his position on the proposed revised Resolution, and he stated that he objected to the "strongly censure" wording as applied to City Attorney Agnost, with whose office the HRC has a strong relationship, and from which it receives legal counsel and representation. He read City Attorney Agnost's letter (cited above) in full, and recommended that "strongly censure" be changed to a less harsh wording.

He stated his objection was belated because the initial resolution had been debated prior to his return from vacation in August.

All of the Commissioners contributed to the debate on the action on this revised Resolution and to its wording.

Commissioner Weiner, for example, said that it was obvious that the HRC supports Article 33 and its enforcement, but said that he felt the HRC could express strong concern over the City Attorney's position as reported in August, inasmuch as the City Attorney had obviously been carrying out his duties as he saw them. The Commissioner also expressed opposition to using the term "censure" in an official Resolution.

Finally, after much debate, the HRC reworded revised a Resolution omitting the phrase "strongly censure" and changing the wording to read, in the key operative resolve, "that the Human Rights Commission strongly reaffirm its support of Article 33 of the Police Code and express its strong opposition to the action of the City Attorney in attempting to nullify that Article, and thereby deprive the City's Lesbian and Gay population of important civil rights protection afforded them under that ordinance;" and

It was then

****m/s/c to adopt the revised Resolution Regarding the City Attorney's Position on Article 33 of the Municipal Code (Police Code) - Gay Rights Ordinance. (8-81) A full text of this Resolution is attached to these Minutes.

Commissioner Lee asked that his No vote (the rest of the Commissioners voted Yes) to adopt the revised Resolution was because he felt that the HRC should confine itself to support of Article 33 and not take on legal points.

On motion of Commission Lyon, it was then

****m/s/c to rescind Resolution 4-81, Resolution Regarding the City Attorney's Position on Article 33 of the Municipal Code (Police Code) - Gay Rights Ordinance, adopted August 13, 1981.

Commissioner Lyon reiterated her stance that the Gay community felt that the damage done in August by the City Attorney's position was "unconscionable."

Committee Report

Commissioner Lyon reported that David Moon and Robert Perez, both of the District Attorney's Consumer Fraud Economic Crime Unit, met with the Committee at its regular meeting November 17 to continue exploration of the usage and coverage of Article 33. Mr. Moon will be the District Attorney's liaison to the Gay Advisory Committee.

City Attorney George Agnost will be invited to the next regular meeting (December 8) of the Committee to discuss his office's role in enforcing Article 33.

- Family Protection Act Conference November 14.

The HRC has voted formal opposition to this federal legislation. The Coalition for Human Rights sponsored this conference held at John Adams Community College and the HRC was represented by Commissioner Phyllis Lyon and Jackie Winnow, staff to the GAC. Gay Advisory Committee members, Pat Norman, Randy Stallings, Marsha Seeley, and Sue Zemel also attended.

YOUTH AND EDUCATION
Rabbi Martin S. Weiner, Chairperson

- Committee Report.

1. San Francisco Unified School District Libraries: Ms. Carol Choye, Director of Curriculum, SFUSD, was present at the Committee meeting November 17, for a discussion of the status of library services in the public schools in the wake of Proposition 13 cutbacks. There are 12 schools with federally-funded librarians, 4 with SFUSD-funded librarians, and the quality of services has been maintained, according to Ms. Choye, by innovative reading programs. Commissioner Weiner said the Committee was impressed with what has been accomplished.

2. Project Stay-at-School. Board of Education Commissioner Jule Anderson, and Ms. Barbara L. Cohen, Administrative Assistant to the Superintendent of Schools, attended the October 13 Committee meeting for a discussion of Project Stay-at-School, a program designed to reduce truancy and excessive absenteeism, and to motivate students to return to and attend school. The program is cooperatively sponsored by the SFUSD, the Mayor's Office, the Police Department, the Probation Department, the Juvenile Court, and the Department of Social Services.

Police officers are authorized during school hours to stop school-age youth to determine why the youth is not in school. If the youth has a valid permit to leave school or "note" from a parent, physician, hospital, etc., he or she then may proceed. If not, the officer may take the youth to the nearest Counseling Center, which immediately contacts the parents to come to the center for a conference with a counselor and the student. Following the parent/student conference, the student will be referred to his/her assigned school or to an alternative program. The program is authorized in the California Education Code, Sections 48264, 48265, 48266, and 48267. The Counseling Centers are in four locations in the City. Approximately thirty police officers are involved in the program, according to Sgt. Bob Martinez, Field Operations Bureau, SFPD, who also attended the November 17 meeting.

Commissioner Weiner reported that the Committee was satisfied after these discussions that the program was a valuable program, worked out in a nonpunitive way to bring youths back into education.

NO OLD BUSINESS

NEW BUSINESS

- North Mission Association Letter.

This letter, dated November 4, 1981, addressed to the Mayor with copies to all members of the Board of Supervisors, and eleven other City officials, the Chief of Police, the District Attorney, newspaper writers, and others, including Commissioner Sevilla, regarding a complaint about alleged attacks on senior citizens in an apartment building in the Mission District, was referred, on Commissioner Sevilla's request, to the Housing and Urban Development Committee of the HRC.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, December 10, 1981 at a place and time to be announced later. The scheduled December 3 and December 17 meetings of the HRC at the Main Library are cancelled.

STANDING COMMITTEES

Employment	Thursday, December 3, 1981 9:30 AM 1850 Mission Street
Gay Advisory	Tuesday, December 15, 1981 Noon Main Library, Third Floor Commission Room
Housing & Urban Development	To be announced
Youth & Education	Tuesday, December 15, 1981 3:15 P.M. John Adams Community College Center 1860 Hayes Street, Room 136
Police Liaison/ Social Issues	To be announced

Adjournment

Respectfully submitted,

GSM:JC:sa
11-30-81

Grant S. Mickins III
via Jack Casford

City and County of San Francisco

Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution

Attachment #1
November 20, 1981

Rev. George L. Bedford, D.D.
Macedonia Missionary Baptist Church
2135 Sutter Street
San Francisco CA 94115

Dear Rev. Bedford:

On the occasion of the observance on November 22, 1981 of your twenty-four years as Pastor of the Macedonia Missionary Baptist Church, The Human Rights Commission of San Francisco voted unanimously at its regular meeting November 19, 1981 to formally offer you its commendation and good wishes.

As a member of the Human Rights Commission from May, 1967 to your resignation in April of 1976, you gave long and conscientious service to the cause of human rights and equal opportunity for all San Franciscans.

Your contributions over theyears helped immeasurably in establishing not only the reputation of the HRC itself, but the advancement of the mandate the HPC bears for all people in this community.

You are one of our senior alumni, and we are proud to claim you as one of our own, even as we congratulate you on your twenty-four years of stewardship to you church, your community and your City.

Sincerely,

Grant S. Mickins,
Director

GSM:JC:bct

City and County of San Francisco

Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution

Attachment #2

HUMAN RIGHTS COMMISSION

RESOLUTION REGARDING CERTAIN POLICE STREET ARREST PROCEDURES CAUSING COMMUNITY TENSIONS

WHEREAS, the Human Rights Commission traditionally and historically has been a conduit for expressing community concerns to City government and law-enforcement agencies about official procedures that cause tensions and resentments among neighborhood residents, merchants, or their customers; and

WHEREAS, discussions have been held by such groups as the Community United Against Violence, the Intergroup Clearinghouse Polk Street Subcommittee, and the Polk Street Outreach Committee regarding a Police operation from August 24 to September 15, 1981, resulting in 449 arrests, 405 dismissals, only 3 convictions, and 41 cases pending as of September 28, 1981 in the Polk Street business area; and

WHEREAS, a set of eleven general and specific recommendations for dealing with the tensions caused by the Polk Street operation have already been sent to the Mayor and the Chief of Police by the Polk Street Subcommittee of the Intergroup Clearinghouse for action;

NOW, THEREFORE, BE IT RESOLVED, that the Human Rights Commission support the adoption of a City-wide policy of law enforcement which would preclude Police operations that result in indiscriminate arrests or detentions; and

BE IT FURTHER RESOLVED, that law enforcement personnel and agencies be reminded to uphold those human and civil rights that prevail as regards freedom of assembly and movement on public streets; and

BE IT FINALLY RESOLVED, that the Human Rights Commission reaffirm its commitment to the alleviation of community tensions, and to the full protection of all citizens and business establishments of this City and County from harassment or invasions of privacy.

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Resolution 7-81
Adopted by the HRC 11/19/81

City and County of San Francisco

Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution

Attachment #3

HUMAN RIGHTS COMMISSION

RESOLUTION

REGARDING THE CITY ATTORNEY'S POSITION ON ARTICLE 33 OF THE MUNICIPAL CODE (POLICE CODE)- GAY RIGHTS ORDINANCE

WHEREAS, the Human Rights Commission of San Francisco is dedicated to defending the civil rights of Lesbians and Gay men in San Francisco through the duly adopted ordinance of the City and County of San Francisco; and

WHEREAS, it is the obligation of the City Attorney of San Francisco to uphold ordinances duly considered and adopted by the San Francisco Board of Supervisors and specifically to defend such laws from legal challenge upon a request by the San Francisco Board of Supervisors; and

WHEREAS, the City Attorney, in defending a suit against the San Francisco War Memorial Board (No. 769-733, Superior Court), raised constitutional objections to Article 33 of the Police Code (San Francisco's Gay Rights Ordinance) and thereby sought to have a portion of the ordinance declared null and void;

NOW, THEREFORE, BE IT RESOLVED, that the Human Rights Commission of San Francisco strongly reaffirm its support of Article 33 of the Police Code and express its strong opposition to the action of the City Attorney in attempting to nullify that Article and thereby deprive the City's Lesbian and Gay population of important civil rights protection afforded them under that ordinance; and

BE IT FURTHER RESOLVED, that the Human Rights Commission of San Francisco commend the Board of Supervisors for its action August 10, 1981 ordering the City Attorney to defend Article 33 of the San Francisco Municipal Code (Police Code) - Gay Pights Ordinance.

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Resolution 8-81
Adopted by the HRC 11/19/81
Resolution 4-81
rescinded by the HRC 11/19/81

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2/10/81

DOCUMENTS DEPT.

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, December 10, 1981
Commission Room Main Library Civic Center

****
* NEXT MEETING *
* *
* Date: Thursday, January 14, 1982 *
* Time: 10:15 A.M. *
* Place: Main Library, Civic Center *
* Commission Room, Third Floor *
****

NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

Attendance

Commissioners

Present: John C. Morrissey (presiding), Thomas Ambrogi, Lia Belli, Samuel Chung, Robert Edwards, Antonio Grafilo, Pius Lee, Phyllis Lyon, Clemente Obregón, Richard Sevilla, Esta Soler, Brenda Wade, Rabbi Martin Weiner, David Yamakawa.

Commissioner Soler was welcomed to her first meeting. She said she looked forward with enthusiasm and concern to working with the Human Rights Commission.

Excused: Joan Zamora Moulton

Staff

Present: Grant S. Mickins, Jack Casford, Stanley Lim, Richard Norton, Joe Meza, Vicky Rathbone, Gail Roberts, Jackie Winnow.

Pledge of Allegiance

Minutes of November 19, 1981 adopted with two wording changes:

-Page 9, Fourth paragraph after close of letter from George Agnost, City Attorney, beginning "Mr. Jerel McCrary". Commissioner Lyon requested that the last sentence be eliminated: ~~Mr. Agnost never had raised the issue of constitutionality~~, and that Mr. McCrary had requested that his presentation be reported as follows: Mr. McCrary said that Article 33 is constitutional until it is determined by the courts to be otherwise.

-Page 9, Tenth or last paragraph beginning "Commissioner Weiner..." Commissioner Weiner asked that the last sentence be deleted: ~~The Commissioner also expressed opposition to using the term "censure" in an official Resolution~~. He asked that the following sentence be substituted: Since it is unclear whether the City Attorney has a specific legal duty to defend Article 33 if he feels that it is unconstitutional, Commissioner Weiner said he felt it would be inappropriate to use the term "censure" in this Resolution.

COMMUNICATIONS

- From Commissioner Weiner, a request that Dianne Thompson, an attorney with the firm of Rodgers, Joseph, O'Donnell and Quinn, who continues her interest in the appeal of F.P. Lathrop Construction Co. to the HRC Director's Finding of Noncompliance, be advised of the issue.

- From Mark A. Hetts, a letter of resignation from membership in the HRC's Gay Liaison Committee.

- From Richard H. Shaff, Vice President and General Manager, San Francisco Convention Facilities, announcing acceptance of an Affirmative Action Agreement between the HRC and Facility Management Incorporated of California, which has responsibility for management, operation, and maintenance of the George R. Moscone Center, Brooks Hall, and the Civic Auditorium.

- From Mayor Dianne Feinstein, requesting Director Mickins' participation with a City Department managers' group in a 4½-day training seminar to be given in February on "Managing Motivation for High Performance." Mr. Mickins will be participating in this seminar.

- From Claire Zvanski, ExecutiveDirector, San Francisco Deliquency Prevention Commission, a copy of a letter to Judge Harry Low, Presiding Judge of the Juvenile Court, outlining plans to conduct a Youth Guidance Center speakers program for youth.

- From J. Edward Marshall, Attorney at Law representing Bayview Towing Association, providing correspondence and other documentation relative to the Association's seeking of a contract from the City Purchasing Department for the towing of abandoned vehicles.

- From John Flannery, attorney for Pacific Telephone, requesting (December 4) "...a copy of every sexual orientation complaint filed against Pacific Telephone with the (HRC) from 1976 to the present." This is in connection with a court case filed by the Gay Law Students Association against Pacific Telephone.

- Also from Mr. Flannery, a letter December 3 requesting a certified copy of the original of a letter from J.B. Fottrell, District Manager Employment, written January 31, 1977, relative to the official position of Pacific Telephone on the issue of discrimination on the basis of sexual orientation.

Mr. Mickins explained the history of this matter after reading both of Mr. Flannery's letters in full.

NO DIRECTOR'S REPORT

NOMINATING COMMITTEE

- Chairperson Morrissey named Commissioner Yamakawa to chair the Nominating Committee, with Commissioners Grafilo and Lyon as members, to recommend nomineess for Chairperson and Vice-Chairperson for 1982 at the first regular meeting (January 14) in 1982. All members of the HRC were urged to make known their recommendations for nominations as soon as possible.

STANDING COMMITTEES

EMPLOYMENT
David K. Yamakawa Jr., Chairperson

- World Trade Club Affirmative Action Report-May 31, 1980 through May 31, 1981. - Essie Thomas, Employment Representative.

Ms. Thomas reviewed the highlights of this written report, with supportive statistical tables.

Her survey was done on May 3, 1981 as a follow-up to the World Trade Club's Affirmative ActionAgreement signed April 24, 1980. This survey covers all persons on the payroll as of May 31, 1980 through May 31, 1981.

The World Trade Club employs some 90 persons and has a lease with the San Francisco Port Commission. The HRC report compares the current year to the states as of May, 1980.

The data is separated for the visible staff, (dining room and bar workers) and non-visible staff, (kitchen, office and other personnel). A separate analysis includes the visible jobs, e.g. waiter/waitress, cashier, bartender, etc. All information is broken down by race and sex.

The statistics include a yearly report of:the total workforce and a comparative analysis for a one-year period, and also summarize, by percentage, the visible jobs for both white male/female and minority male/female.

- A break-down of the more visible jobs in the restaurant industry, e.g., captain, maitre'd, hostess, cashier, bartender, waiter-waitress (dining room and/or cocktail) and checkers. The breakdown is expressed both numerically and by percentage.

- A break-down of cooks and other kitchen help. Although chefs and cooks are among the better-paid workers in the restaurant industry, they are not visible and therefore are not included in the visible category. Also included in the statistics are office personnel, shown under the "office staff" category.

The ethnic make-up of the workforce has not changed significantly over the years that the Human Rights Commission has been monitoring the restaurant, Ms. Thomas stated. However, the upgrading or promoting of minorities has changed. The restaurant management actively sought out a minority male to enter into its apprentice cook program three years ago. This minority male graduated May 7, 1981.

In response to Commissioners' questions following her presentation, Ms. Thomas stated that while the goals as set forth in the Affirmative Action Agreement of April 24, 1980 were met for the time period covered, she still felt management of the World Trade Club does not make a diligent enough effort to recruit and hire women in all categories of employment.

As of May 31, 1980, for example, in the Visible Jobs category (captain, maitre'd, hostess, waiter, waitress, checker, cashier, bartender, cocktail waiter/waitress, bar person, bus person) of a total of 51 employees, there were 49 males (96.1%) and 2 females (3.9%). Minorities made up 47.1% of this group; whites 53.0%.

Of a total workforce as of May 31, 1981 of 94, 88 were males (93.6%), and 6 were females (6.4%). Of the total workforce, 62.0% (58) were minorities, but 57 of these were males and 1 female.

In the Non-Visible positions, (called Kitchen Jobs in the report's tables), which include chef, or chief cook, other cooks, pantry workers, kitchen helpers, dishwashers, storeroom supply workers, food checkers, office staff, and housemen, of a total of 43 employees, 39, or 90.7%, were male, and 4, or 9.3%, were female.

Ms. Thomas said that management at the World Trade Club took the position, despite her urging, that more women could not be hired for a number of reasons, including the fact that they did not have separate bathroom facilities for them.

Commissioner Ambrogi asked what use is made of this and other status reports of affirmative action, and Director Mickins and Commissioner Yamakawa reviewed the lawsuit filed in 1977 by a group of Fisherman's Wharf restaurants which, like the World Trade Club, hold leases from the Port Commission, challenging the HRC's affirmative action jurisdiction. In June of 1981 the State Court of Appeal ruled in favor of the HRC, and that ruling has now been appealed to the U.S. Supreme Court. The World Trade Club, however, was not part of the litigation, Director Mickins explained.

Commissioner Ambrogi also asked for, and was given, the reason for making distinctions in reporting betwen visible and non-visible employees. In the early stages of affirmative action monitoring, the HRC noted that most minority workers, if not all, in some instances, were able to get only jobs such as dishwashers and kitchen helpers, and not the higher-paying jobs such as waiters and waitresses, bartenders, and so forth. For this reason, the breakdown of visible was adopted in order to encourage minority job placement equally throughout the workforce.

Commissioner Sevilla urged that future reports include figures showing details of goals and timetables that are part of the Affirmative Action Agreement. Ms. Thomas said she could provide those details if requested, and she reiterated that her report as of May 31, 1981 showed that the World Trade Club had for the time period covered met its goals in hiring, training, and promotion.

Commissioners Wade and Obregon also contributed to the discussion of Ms. Thomas' report.

Director Mickins responded to Commissioner Sevilla's concern that the HRC be able to utilize such data in reviewing affirmative action shortcomings or achievements in the future with Port Commission restaurant leaseholders such as the World Trade Club.

He said that the HRC expects early in 1982 to be able to resume its affirmative action monitoring of Fisherman's Wharf restaurants, if there have been no legal moves to thwart this. Data the HRC gathers will then be used to set goals and timetalbes for the entire industry covered. He said the HRC will be working with Local 2, the Hotel Employee and Bartenders Union, which has collective bargaining agreements with the restaurants, to work out the Affirmative Action Agreement program based on what the union can supply through apprenticeship programs.

It was

****m/s/c that the World Trade Club Affirmative Action Report-May 31, 1980 through May 31, 1981 be accepted.

- Proposed Changes to the Affirmative Action Regulations for Government Contractors under Executive Order 11246, as amended - Vicky Rathbone, HRC Contract Compliance Officer.

Ms. Rathbone reported that this document was submitted October 22, 1981 to James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs.

The three-page document was prepared by an Employment Committee subcommittee on legislation consisting of Barbara Thomson, Affirmative Action Officer of the Mission Hiring Hall, and Pat Taber, Bank of America Vice-President, Personnel Administration. Ms. Rathbone cited a number of federal-level actions that will have a significant impact on the whole field of affirmative action in employment and the HRC's role. She said that U.S. Representative Al Walker had introduced HR 3466, which would have "forbade the use of quotas to deny opportunity in education and employment..." and quota includes "... a numerical requirement of any kind." Ms. Rathbone said versions of this bill have been introduced into The Congress every year since 1977, always passing in the House of Representatives, but being defeated in the Senate. This year HR 3466 passed the House but was thrown out by a Joint Conference Committee of the House and Senate.

Senator Orrin Hatch of Utah has introduced a proposed amendment to the U.S. Constitution that would permit no distinctions to be made in employment on the basis of race, color, or national origin. This has been referred to the Senate Committee on The Judiciary.

U.S. Representative Paul N. McCloskey, Jr., has prepared a revised version of Executive Order 11246 for the Presidential Task Force on Regulatory Relief, chaired by Vice-President George Bush. Executive Order 11246 (issued in 1965) establishes essentially on the federal level what Chapter 12B (the Nondiscrimination Ordinance) of the City Administrative Code does for the HRC's jurisdiction in affirmative action for City contractors. Representative McCloskey's revised version would rescind the 1965 Executive Order 11246 and recommends:

-discontinuing the policy of retroactive relief for persons who would otherwise been awarded back pay by the courts;

-authorizing only the Equal Employment Opportunity Commission to handle complaints, and remove this power from the Office of Federal Contract Compliance Programs (OFCCP);

-increasing the minimum dollar amount of annual business volume and number of employees employers would have to meet to be covered by Executive Order 11246;

-suspending the requirement of goals and timetables unless it were determined by OFCCP that there was underrepresentation; and

-restricting the power of the Department of Labor (OFCCP) to contract termination for violations of the Executive Order.

Other civil rights regulations already targeted for early action by the Task Force are:

- Sexual harassment guidelines, which business interests say are "too vague", asking for a definition of what "unwelcome sexual advances" are.

- The EEOC guidelines for employee selection procedures, which business interests have complained are "too burdensome"

Ms. Rathbone stressed that the Administration now requires that all new federal regulations go through the Office of Management & Budget to determine if they are cost effective, necessary, and are least burdensome. Any regulation that is targeted by the Presidential Task Force on Regulatory Relief will go back to the agency for review and change. After the changes are made, then the regulations will have to return to the Office of Manegement and Budget again for review.

She said that the OFCCP itself also was proposing changes to the regulations implementing Executive Order 11246 and that these proposed changes had been presented to the public for comment earlier this year.

The Employment Committee, she said, is deeply concerned over these proposed regulation changes, and that social agencies such as the HRC doing affirmative action work be among those presenting their positions to the federal authorities, to counterbalance, in effect, the heavy representation from private business/employers.

Ms. Rathbone read excerpts from a letter released by Mr. McCloskey some weeks ago and reported in the metropolitan press nationally stating a number of employers' allegations of abuses of the regulatory system e.g., the number of pounds a set of compliance forms weighed; an audit that was required to be repeated because of an office personnel change; a school department closed because it failed to find a minority teacher to head it, etc.

Ms. Rathbone then introduced Ms. Thomson who, with Ms.Taber, researched and prepared the document commenting on the Proposed Changes to the Affirmative Action Regulations under Executive Order 11246.

Commissioner Yamakawa paid tribute to Ms. Thomson and others with special areas of expertise and interest who do valuable research and staff work for the HRC on various issues of importance.

Ms. Thomson then reviewed the document sent October 22 to the Acting Director of the Office of Federal Contract Compliance Programs. No response has yet been received. The document refers to ten specific sections of the proposed regulations under Executive Order 11246. It is attached to these Minutes.

Ms. Thomson discussed these recommendations in some detail, citing what factors went into the wording of them and the position of the HRC's Employment Committee on such issues as back pay, raising the minimum eligibility workforce and business volume for employers, the sexual harassment protections changes proposed, ("employers obligations to provide a safe physical and emotional work environment"), etc.

She said that there were inconsistencies in the existing A/A federal regulations, but that the HRC position also was that effectiveness should be enhanced, duplication avoided, and inconsistencies that now exist be clarified.

She stressed that there needs to be a compliance factor e.g., back pay retained in federal regulations, else affirmative action goals will not be met or protections heretofore offered will not be continued.

There were a number of questions and comments from Commissioners to Ms. Thomson's presentation. She noted that the Fair Employment and Housing Commission is proposing regulatory changes, and has invited commentary through January 29 and that the HRC Employment Committee will be responding.

On the suggestions of Commissioners Ambrogi and Weiner, it was

****m/s/c that the HRC ratify and endorse the Proposed Changes to the Affirmative Action Regulations for Government Contractor under Executive Order 11246 as Amended, and strongly recommend their consideration by James W. Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, requesting his response to them to the HRC.

- VIACOM Cablevision Annual Report - Essie Thomas

Tele-Vue Systems, Inc. is a subsidiary of VIACOM International Inc. It is known in San Francisco as VIACOM Cablevision. VIACOM Cablevision headquarters are located at 2055 Folsom Street, San Francisco. Cablevision is operating under a franchise with the City and County of San Francisco, which was granted in 1964 and will expire in 2005.

The Human Rights Commission does not have a formal Affirmative Action Agreement with VIACOM Cablevision. However, it has a letter of understanding that complies with the provisions of Chapter 12B of the Administrative Code of the City and County of San Francisco. In order for the Human Rights Commission to determine to what extent VIACOM Cablevision is in compliance with Chapter 12B, it requests that they complete and return a questionnaire and staff makes a site visit twice each year.

The HRC has been monitoring VIACOM Cablevision since 1970. At that time, it was known as Television Signal Corporation and located at 1902 Van Ness Avenue. The present Director of theHRC held the position of Coordinator, and requested a report on the ethnic identification of the workforce of Television Signal Corporation. This request was complied with on September 14, 1970. The HRC has been monitoring VIACOM closely since 1976.

In the report's statistical section, the workforce breakdown data is given for the year of 1980 through May 31, 1981.

Last year (1980), the total number of employees was 179, this year (1981) through May 31, the total number of employees had increased by 22, or 11.0%, for a total of 201. The number of male employees increased by 7.5.% while the number of female employees increased by 3.5%. The number of minority males increased by 8%, while the number of minority females increased by 6.5%. The total percentage of minorities in the workforce increased from 35.6% in 1980, to 46.3% in 1981.

During the last twelve months, Ms. Thomas reported, there have been 65 new hires. Thirty-five of these were minorities (24 male, and 11 female) for a percentage of 53.8% of the total. Thirty were whites (25 male and 5 female) or 46.2% of the total.

Ms. Thomas said that minority participation had greatly improved from the last report. She quoted from the statistical tables that are attached to her report, and which are cited above.

It was

****m/s/c that the HRC accept the VIACOM Cablevision Annual Report.

- San Francisco Leased Parking Facilities: Information Up-Date - Essie Thomas.

Ms. Thomas referred to a statistical table showing the breakdown by race and sex of employees in five categories (supervisors, managers, attendants, clericals, and cashiers) for eight parking facilities (Albright Parking Garage, Inc., Civic Center Plaza, Ellis & O'Farrell, Golden Gateway, Japan Center, Union Square, Vallejo Street Garage, and 7th Howard Street Parking).

Of 10 Supervisors, 7 were minorities, 3 were white.

Of 10 managers, 6 were minorities, 4 were white.

Of 81 attendants, 57 were minorities, 24 were white.

Of 15 clericals, 6 were minorities, 9 were white.

Of 11 cashiers, 9 were minorities, 2 were white.

There were 17 women employees (13.3% of the workforce), and 111 were men (86.7%).

It was

****m/s/c that the HRC accept the Leased Parking Facilities report.

YOUTH AND EDUCATION COMMITTEE
Rabbi Martin Weiner, Chairperson

- Committee Report cancelled.

NO NEW MATTERS

CALENDAR MATTERS

- F.P. Lathrop Construction Co. Appeal of Director's Finding of Noncompliance.

The members of the HRC eligible to rule on the evidence presented in two hearings on this case set Tuesday, December 22, 1981 at 8:30 A.M. in Bart Hall at Congregation Sherith Israel, California and Webster Streets, to hold their deliberations, and to make and write a decision. Counsel will not be present.

Those Commissioner who will meet are: Commissioners Morrissey, Ambrogi, Chung, Edwards, Grafilo, Lee, Moulton, Obregon, Sevilla, Weiner, and Yamakawa.

- The next regular meeting of the HRC will be Thursday, January 14, 1982 at 10:15 AM in the Third Floor Commission Room of the Main Library in the Civic Center, Larkin and McAllister Streets.

- The Director announced that he had made a concerted but unsuccessful effort to find an alternative to the Main Library Commission Room meeting site for the HRC's regular meetings. Some Commissioners had found the new opening time for the Library (from 9 AM to 10AM) inconvenient.

Evening, afternoon, and noon meeting-time suggestions were all ruled out.

It was ruled by Commissioner Morrissey that the HRC will continue its regular meeting time and place until further notice.

STANDING COMMITTEES

Employment	Thursday, January 7, 1982 9:30 A.M. 1850 Mission Street
Gay Advisory	Tuesday Noon December 15, 1981, and January 19, 1982 Main Library, Third Floor Commission Room

Housing & Urban Development	To be announced
Police Liaison/Social Issues	To be announced
Youth & Education	Tuesday, December 15, 1981 and January 19, 1982 John Adams Community College Center 1860 Hayes Street, Room 136

Adjournment.

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:sa
12-15-81

CITY AND COUNTY OF SAN FRANCISCO

Attachment #1

MEMORANDUM

From the Office of the
HUMAN RIGHTS COMMISSION

1095 Market Street - #501
San Francisco 94103
558-4901

To: James W. Cisco, Acting Director
Division of Program Policy
Office of Federal Contract Compliance Programs

Date: October 22, 1981

From: David J. Yamakawa Jr.
Member of San Francisco Human Rights Commission (HRC)
Chairperson of HRC Employment Committee

Re: Proposed Changes to the Affirmative Action Regulations for Government Contractors under Executive Order 11246, as amended.

Introduction

The Human Rights Commission has fiteen members, appointed by the Mayor. It is the agency responsible for affirmative action and non-discrimination programs required of contractors to the City and County of San Francisco. The Employment Committee is an advisory body to the HRC on all matters relating to these programs.

The Employment Committee is made up of approximately twenty members. (current membership roster attached.) The citizen representation includes individuals from government, business, labor and community interests. Some members have served the committee for over five years. They have found that the committee provides an opportunity to give input into decisions on local & national policy that will affect them. In addition, they have afforded the HRC a much needed external analysis of issues that come before it.

Federal, state and local legislation relating to the work of the Employment Committee is analysed before the committee decides whether or not to recommend endorsement. Due to the complex nature of some legislation, debate over the issue may continue for several meetings. Discussions generally involve speakers, both pro and con, who have some familiarity and expertise with the subject of the legislation.

Comments

Before setting forth the San Francisco Human Rights Commission Employment Committee's specific comments on the Proposed OFCCP Regulations, we would like to make a general observation. Although the regulations are intended to improve past efforts by the OFCCP and streamline the compliance process, they are vague and require clarification and simplication. Additionally, while well-intended, the proposed regulations reduce coverage and eliminate benefits for over six million people previously covered by Affirmative Action Programs. We suggest that a general review of the regulations be conducted with an eye to simplifying the process without sacrificing benefits necessary to protect and insure Equal Employment Opportunities and to provide consistent interpretation and enforcement with other Federal Government Regulations and Statutues.

We offer the following specific comments on the Proposed Regulations.

Section 60-1.3

The definition of "Handicapped Individual" and "Qualified Handicapped Individual" should be clarified. A distinction should be clearly made between substance abusers (alcoholics and drug abusers) and those who are physically or mentally impaired as defined in Section 60-1.3 under "Handicapped Individual" (a), (b) only.

Section 60-1.21

Section A should be re-written to include specifically collective bargining contracts in addition to any other written agreement such as Memoranda of Understanding or Building Agreement.

Section 60-1.25

To insure basic human rights and provide maximum protection and consistent application of existing laws and regulations, OFCCP should adopt the stricter standard of enforcement as set forth under the EEOC and its implementing guidelines.

It remains management's obligation to provide a work environment that is safe and free from harassment of any nature including sexual harassment, whether the responsible party is an employee of the company or one of its subcontractors.

Section 60-1.40(a)

The elimination of businesses with 250 employees or less from written affirmative action program requirements undermines the effectiveness of the Order. In many instances, it is the mid-sized companies that are the most reluctant to pursue serious affirmative action efforts. Furthermore, in many communities, mid-sized employers provide the only source of employment.

It would be more appropriate to consider for written affirmative action programs the requirements for EEO-1 reporting; e.g., 100-plus employees. By applying the EEO-1 standard, the OFCCP would accomplish its purpose of removing the paperwork burden from truly "small" employers and would continue to fulfill its obligation of effectively monitoring affirmative action programs for mid-size and larger employers. It is unnecessary to include the dollar size of contracts when deciding who is or is not required to have affirmative action plans. It is a fact that there are a number of contractors who routinely do business with the federal government where individual contracts never reach the million dollar level. Aggregate totals, however, may exceed this threshold and the spirit and intent of the Executive Order should enfold these contractors as well.

Section 60-1.42

Posted notices should be intelligible to the prevailing workforce. Therefore, it may be necessary to post statements regarding the Civil Rights Act of 1964 and E.O. 11246 as amended, in languages other than the two (2) listed, English and Spanish.

Section 60-1.62

While we understand the amended language that members of third party complaints must be identified to the extent known, we urge the OFCCP to include language in the regulation which will protect all parties involved from regulatory action.

Section 60-1.71

Back pay should be available as a remedy under the Executive Order. The application of back pay as a remedy should be consistent with the standards of the Equal Pay Act and Title VII Enforcement. To eliminate back pay as a sanction undermines the ability of OFCCP to effectively carry out its mandate when enforcing the Executive Order.

Section 60-2.10-Refer to Comment 60-1.40(a)

Section 60-2.3

Experience has taught us that 5-year planning is not feasible. Affirmative action plans require updating as frequently as business planning and for the same reasons: economic conditions, contractions or growth in staff, technological shifts, etc. It is for this reason we recommend that goals should continue to be set annually with any exemption not to exceed 3 years.

Section 60-2.11

The foundation of any affirmative action plan begins with the determination and definition of availability. The eight-factor analysis currently required is imprecise, redundant and arbitrary. The regulations would be more effective if two major factors are considered in determining availability for affirmative action plan purposes.

First, an external factor consisting of an accumulation of external work force statistics such as the appropriate relevant work force having requisite skills from training institutions and schools, and the relevant work force in an area from which a contractor could reasonably expect to recruit. The second factor would be internal work force figures reflecting the contractor's own experiences in its employment processes.

This approach to the preparation and administration of affirmative action plans would provide a measurement system that would result in goals which are realistic and which have significantly more meaning. The objective of the availability analysis would then be to identify job areas where affirmative efforts are necessary, and not to project arbitrary numerical determinations that have no bearing on affirmative action efforts.

The appropriate statistical data to be utilized when developing availability statistics might include census information, but other objective sources of data also could be considered.

An up-date in the definitions of race and ethnic groups to conform to those published by the joint reporting committee would provide clarity and consistency to this section.

Section 60-2.14

Refer to comments 60-1.40(a)

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